

TUESDAY, JUNE 2, 2026

11:31 A.M.

ACTING SPEAKER HUNTER: The House will
come to order.

Good morning, colleagues and guests.

In the absence of clergy, let us pause for a moment of
silence.

(Whereupon, a moment of silence was observed.)

Visitors are invited to join the members in the Pledge
of Allegiance.

(Whereupon, Acting Speaker Hunter led visitors and
members in the Pledge of Allegiance.)

A quorum being present, the Clerk will read the
Journal of Monday, June 1st.

Mr. Fall.

MR. FALL: Madam Speaker, I move to dispense with the further reading of the Journal of Monday, June 1st, and that the same stand approved.

ACTING SPEAKER HUNTER: Without objection, so ordered.

MR. FALL: We have a quote this morning from Henry Ford, who many of us are familiar with.

And the quote says, *Coming together is a beginning. Keeping together is progress. Working together is success.*

And again, these words are from Henry Ford.

Madam Speaker, members have on their desk a main Calendar. Before any housekeeping and/or introductions, we will be calling for the following committees to meet in the Speaker's Conference Room: Ways and Means and Rules. These committees will produce an A-Calendar, which we will take up today.

We will begin our floor work by taking up on consent, Rules Report No. 252 by Ms. Moreno. We will then take up the following bills on debate: Calendar No. 280 by Mr. Otis, Rules Report No. 264 by Ms. Reyes and Rules Report No. 224 by Mr. Bronson.

I will announce any floor activity as we proceed. So with that as a general outline, Madam Speaker, let us begin by calling for the Ways and Means Committee to meet in the Speaker's Conference Room.

ACTING SPEAKER HUNTER: Thank you. Ways

and Means Committee members, please make your way to the Speaker's Conference Room. Ways and Means, Speaker's Conference Room.

We have no housekeeping this morning, but several introductions.

We will start with Mr. Keith Brown for the purpose of an introduction.

MR. K. BROWN: Thank you, Madam Speaker, for the opportunity to pause in our deliberations to introduce three very special guests from the 12th Assembly District; my wonderful wife, Barbara Buffone-Brown and these two fine young men, my sons Hunter Joseph Brown and Sean Colton Brown. My wife works in Assemblymember Rebecca Kassay's district at the fine arts studio, The Atelier at Flowerfield in Saint James, New York. And my son, Hunter, is a Junior at the University of Colorado in Boulder, where he is in the process of switching his major because he wants to pursue a career in helping others. And my son, Sean, is graduating from Chaminade High School and plans to study finance at the University of South Carolina in the fall. I am beyond proud of these fine young men.

They're here today to take part in my last week here in the Assembly before I return to private practice and I am so grateful that they made the trek up here to Albany to experience this and to meet all of you.

So would you please welcome my family

wholeheartedly and give them all the cordialities of the People's House?

Thank you.

ACTING SPEAKER HUNTER: Of course. On behalf of Mr. Brown, the Speaker and all members, welcome Brown family to our Assembly Chamber, the People's House, extending to you the privileges of the floor. Hoping you're able to enjoy our proceedings today. It really has truly been a great time to have your husband here in the short amount of time he's been in the Assembly, always contributing to the good works that we are doing for the State of New York. So thank you for your generosity in providing your dad and husband here in the Assembly. Best wishes to both of you in your college endeavors and thank you so very much for joining us today.

(Applause)

Mr. Tague for the purpose of an introduction.

MR. TAGUE: Thank you, Madam Speaker, for allowing me a moment to introduce a very special guest and I had hoped to have my grandchildren here and my daughter and son as well, but it didn't work out.

There are a lot of unsung heros that each and of us -- each and every one of us have in our lives and they're the people that never get the credit, never get the recognition. But they're the ones there to console you when you're having a bad day, the ones there to congratulate you when you've done something great and the person that is just your best friend. And --

(Pause)

-- I would not be standing here in this great Body without this woman next to me. And no offense to the rest of you men, but she's the greatest woman that any man could ever have for a wife. I introduce to you my wife, Dana Rae Buzon-Tague and I'm just so honored and happy to have her as my wife and to share her with each and every one of you who I all -- who -- who although we have differences of opinion on policy, I consider each and every one of you my friend. I respect each and every one of you.

By the end of this week, I'm gonna be leaving this Chamber. Some people will be very happy, others may be sad. Hopefully I'll be down the hallway. But I just wanted to say thank you. I wanted to introduce -- like I said, I -- I wished my -- my daughter and my twin grandsons and my son were able to make it today, but they weren't. But really the most important one was mama and she's here and I'm just so happy.

So, Madam -- Madam Speaker, if you would give all the cordialities to the House to my lovely wife, Dana.

Thank you.

ACTING SPEAKER HUNTER: Yes, of course. On behalf of Mr. Tague, the Speaker and all members, welcome, Dana, to the Assembly Chamber. We extend to you the privileges of the floor. This may be the first time I've ever seen Mr. Tague speechless, so you are doing wonderful works, ma'am. We hope you enjoy our proceedings today, really a blessing to have you here today. Thank

you so very much for joining us.

(Applause)

Mr. Burdick for the purpose of an introduction.

MR. BURDICK: Thank you, Madam Speaker, for allowing me the opportunity to introduce seven outstanding constituents who are visiting today at this exciting time to observe the proceedings of the People's House in the final days of our Session. We have Hasti Shahdad from John Jay High School in Cross River who will be attending Hunter College this fall through Macaulay Honors College to study political science. Heather Millman is a senior at Byram Hills High School and will attend New York University in the fall where she will major in liberal studies. Ovní Sendaram (phonetic) is also a senior at -- at Byram Hills High School, she'll be attending Georgetown University in the upcoming year to study environmental policy. Emma Tong (phonetic) is a senior at Horace Greeley High School and will be attending the honors program at the University of North Carolina majoring in interdisciplinary studies. Ethan Mishler is a junior at John Jay High School and he loves history. Rachel Horesh is a freshman at John Jay High School who is passionate about civic engagement, the structure of government and the remarkable systems humans have built to organize society. And lastly, but certainly not least, Ofnaknee Shangillia (phonetic) is a high school student and dancer, as well as a youth leader committed to equity through the youth court justice program and inclusive arts education.

Madam Speaker, kindly extend to these young leaders the cordialities and privileges of the People's House.

ACTING SPEAKER HUNTER: On behalf of Mr. Burdick, the Speaker and all members, we welcome our young leaders here today. I welcome you to our Assembly Chamber, the People's House, extending to you the privileges of the floor. It is always wonderful to see students from all backgrounds coming together and I congratulate you on deciding to do almost anything else, but you decided to contribute your internship time to public service and that is commendable. Our best wishes to all of you for your continued academic success and thank you all so very much for joining us today.

(Applause)

Mr. Wieder for the purpose of an introduction.

MR. WIEDER: Thank you, Madam Speaker. I rise today with great pride to welcome and introduce a truly remarkable individual to this Chamber, the People's House, Eliezer Friedrich. True leadership is not measured by how many people follow you, but by how many people you empower to move forward. That sentiment perfectly reflects the life and work of Eliezer Friedrich, a dedicated advocate for the disability community and a champion for inclusion, dignity and opportunity for people of all abilities.

Through his work and service, Eliezer has helped ensure that individuals are recognized for their talent, contributions and potential. What sets him apart is the passion, energy and compassion he brings to every interaction whether he is advancing

accessibility, supporting families or strengthening our communities, he leads with purpose and heart. His commitment to uplifting others and building a more inclusive society has touched countless lives and serves as an example for us all.

Madam Speaker, I respectfully ask that you extend to Mr. Friedrich all the privileges and courtesies of this esteemed Chamber. We are truly honored by his presence today and grateful for his continued advocacy and service.

Thank you.

ACTING SPEAKER HUNTER: Thank you. On behalf of Mr. Wieder, the Speaker and all members, we welcome you, Mr. Friedrich to the Assembly Chamber, extending to you the privileges of the floor. We congratulate and thank you so very much for all of the work that you are doing empowering those with different abilities. We thank you for your lifelong work and thank you so very much, sir, for joining us today.

(Applause)

Mr. Steck for the purpose of an introduction.

MR. STECK: Madam -- thank you, Madam Chair.

Today we have some high-achieving science students from Niskayuna School District, historically one of the best schools in the United States. These students represented Niskayuna High School in the National Science Bowl which is sponsored by the Department of Energy and one of the largest academic science competitions in the country. The team placed first in the regional event that took place at

General Electric in March and represented the State of New York at the National Science Bowl in early May. The team is composed of Arjun Rangarajan, Captain Aarush Iyengar, Daniel Yang, Andrew Zhang and Tarun Jacob with Coach Elizabeth Kenny. This is the third year in a row that the team has made it to the national competition.

Also, students from the Iroquois Middle School made it to the State competition. Members are Advait Iyengar, Kenton Pack, Aaron Lalla, Baj Kandlakunta and Rhea Utturkar. Their coach is Karen Postlethwait.

Finally, we have the students who represented New York at the National Competition of MasterMinds in Atlanta, Georgia. There's some crossover with the Science Bowl. These MasterMinds are Aarush Iyengar, Arjun Rangarajan, Daniel Yang, Evelyn Mock (phonetic), Cadence Young (phonetic) and Coach Victor Alcantara.

I think you can tell that anyone who says that the 110th Assembly District does not have great diversity -- diversity would be sorely mistaken. So I would ask the Chair to recognize these outstanding students and welcome them to our Chamber.

ACTING SPEAKER HUNTER: On behalf of Mr. Steck, the Speaker and all members, we welcome our young future leaders here to the Assembly Chamber, extending to you the privileges of the floor. This is amazing to see young people academically striving, achieving, competing in science. This is working. Thank you so very much for doing everything you're doing. It's a great accomplishment, all the Science Bowl competitions,

regional competitions, going to national competitions. You exemplify everything that we love to see in our young people. So keep up the great work and thank you so very much for joining us today.

(Applause)

Mr. Brabenec for the purpose of an introduction.

MR. BRABENEC: Top of the morning, Madam Speaker. How are you? Today I rise to recognize a very special family visiting us from my district, the 98th district, a father and his two sons. Many of you already know Shmulie Hartstein, the Founder of Kol Yisroel, a new grassroots civic engagement organization focused on educating young people about local government, public service and the importance of participating in the democratic process, while also advocating for important community safety legislation.

In the last five months, Shmulie has organized ten missions to Albany, bringing hundreds of volunteers, students and young people to our State Capitol to meet with elected officials and witness government in action firsthand. Today is a little different. So during this final week of Session, he is not here with a large student delegation, but he is here with his two wonderful sons, Yehudah and Ze'ev Hartstein, ages ten and seven. This morning they spent time throughout the Capitol and Legislative Office Building meeting with elected officials and learning about the work we do here in the Assembly and the Senate Chambers. I had the pleasure of spending time with them personally and I can say that they are truly wonderful young men.

At a young age they're already witnessing democracy in action, seeing firsthand the passion their father has for civic engagement, community involvement and public service. They represent the future of our communities, our State and our -- and our democracy.

So today, we proudly welcome Yehudah and Ze'ev Hartstein, along with their father, Shmulie Hartstein, to the New York State Assembly Chamber and Madam Speaker, on behalf of myself and the entire Rockland County Delegation, please extend to them all the cordialities of the House.

Thank you very much.

ACTING SPEAKER HUNTER: On behalf of Mr. Brabenec, Rockland County Delegation, the Speaker and all members, we welcome our distinguished guests here to the Assembly Chamber, extending to you the privileges of the floor. Thank you, sir, for all of the advocacy work that you're doing and enthusiasm bringing groups to Albany to view and participate in the democratic process. And to your young sons who are very joyful today being here, we love to see them and we look forward to seeing you all again in the near future. Thank you so very much for joining us here today.

(Applause)

Page 10, Rules Report No. 252, the Clerk will read.

THE CLERK: Assembly No. A11371, Rules Report No. 252, Committee on Rules (Moreno). An act to amend Chapter 890 of the Laws of 1982, relating to the establishment of certain water

charges for hospitals and charities in New York City, in relation to the effectiveness thereof.

ACTING SPEAKER HUNTER: On a motion by Ms. Moreno, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Congratulations, Ms. Moreno, this is your first bill.
Congratulations.

(Applause)

We're coming on debate, colleagues.

Page 32, Calendar No. 280, the Clerk will read.

THE CLERK: Assembly No. A10132-B, Calendar No. 280, Otis, Simon. An act to amend the General Business Law, in relation to enacting the "Connected Consumer Product End of Life Disclosure Act."

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Otis.

MR. OTIS: Good morning, friends. Should be a -- a long day for all of us.

This bill, the Connected Consumer Product End of Life Disclosure Act requires manufacturers of connected consumer products to disclose how long they will provide technical support, security updates or other fixes for software, hardware or firmware necessary for their product to securely function. In the world that we live in today, many of the products that we purchase have an online -- have an online connection that is necessary for the proper functioning of the device or the product. This bill simply provides that the consumer is informed at time of purchase of what -- how long the company is gonna support those functions for the product.

And I will leave it for -- there for questions. But I would say that -- that it's important to have assurance when you're purchasing a product how long they're gonna support the product and that's what this bill aims to do. I'd also say that the idea for this bill came from our friends at Consumer Reports and this is, I believe, the first bill in the nation to provide this kind of protection for consumers.

ACTING SPEAKER HUNTER: Mr. Molitor.

MR. MOLITOR: Thank you, Madam Speaker. Will the sponsor yield?

MR. OTIS: Certainly.

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. MOLITOR: Thank you, Mr. Otis.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: So Mr. Yotis -- Otis, I'd just like to start with -- maybe just sort of frame our debate. Can you give me an example of a product that would be defined as a consumer connected product under this particular bill?

MR. OTIS: Well, any product that -- that requires a connection to the internet to provide service. So it is intended for consumer use, depend -- depends upon its functioning in part or in whole on a connection to the internet.

MR. MOLITOR: So for example, maybe someone has a password manager or software on their Apple devices. It's a product that they have purchased separately and downloaded onto their devices to be used across multiple platforms. Would that be considered a connected consumer product because it uses the internet to maintain the service?

MR. OTIS: This -- this legislation deals with the -- the purchase of the device itself where the device is connected to the product. So I -- I do not think that a -- a -- a product that is provided not by the manufacturer would come under the definition in this bill.

MR. MOLITOR: So it has to be a -- a physical product that also uses the internet and has a service sort of attached to it; is that correct?

MR. OTIS: Well, it could be a -- a car --

MR. MOLITOR: Car? Yup.

MR. OTIS: -- a cell phone, a computer, a dishwasher

or refrigerator. So many of these devices now actually have a online connection that helps maintain and upgrade the functioning of the device.

MR. MOLITOR: Okay. All right. That's very helpful for clarification purposes. So -- so let's use a different example. Maybe you've purchased a laptop computer and with the computer comes like 30 days free sort of malware software and then after 30 days you purchase the software for a couple of years and then the -- after -- nearing the end of the life of that product, you find out that the product no longer exists and you can't -- you're not able to purchase it again and maybe you've lost something as a result of that. Would this bill protect that particular situation?

MR. OTIS: I'm not sure I understand what you're describing. Maybe -- maybe you could just --

MR. MOLITOR: Let me use a different example --

MR. OTIS: Yeah. Yeah.

MR. MOLITOR: -- I'm just trying to nail this down to sort of a real-world application. Maybe -- all right, let's use this example. So with -- with Apple in particular, you can purchase additional Cloud space, right, through the iCloud. If for whatever reason Apple decided that they were no longer gonna offer that product, maybe they were discontinuing it, that it has reached the end of its natural life and that they were going to offer some different product, this bill would protect consumers from that sudden, abrupt change; is that correct?

MR. OTIS: Well, let's -- let's talk about how the bill functions. The bill functions is that when you purchase a product and you're at the store or you're online, you would be provided a statement by the manufacturer, generally, of what the length of which they're gonna provide the online updates and -- and service. So it could be -- it could be three years, it could be five years, it could be ten years depending upon the product. That's the disclosure that would -- would be there and under the bill, a manufacturer could not decrease the amount of time that they made the commitment for. They do have the ability to increase the amount of time if they decide we -- we said we would do it for five years, we're really going to do it for seven years.

So that's sort of the structure of -- of the bill and if you're coming up to the expiration date of that commitment for service, there is a requirement that -- that the consumer also then, again, received prior notice that the service is about to be terminated and on the day the service does end, notice again could be provided within the device itself through the communication tools that way.

MR. MOLITOR: All right. Thank you for that explanation. So if this bill becomes law, would it be possible for a manufacturer to say, *we're just not gonna make any commitment at all to avoid the repercussions of this bill or the --*

MR. OTIS: Well, they could, but the consumer would be now in a position to say, *maybe I don't want to buy that product.*

MR. MOLITOR: Right.

MR. OTIS: And -- and so, there's no minimum requirement of how much time they're making the commitment for. But let's say you were buying a refrigerator that was connected to the internet and had certain things and a refrigerator, generally, has at least a life of ten years, some 15, 20. And the manufacturer said, *we're only to gonna provide the online service for a year, or six months*, the consumer would probably say, *I'll buy a different refrigerator*.

So it -- we're empowering a consumer to have a little more information about the commitments that manufacturers are making regarding their service, internet service and technical support and cyber security protections for a product and a consumer is now empowered to choose between competing products and -- and the services that those companies provide.

MR. MOLITOR: Understood. Thank you, Mr. Otis.

So under -- on page 2 of your bill, under I think it's subsection (2e) which is line 46, it lists out the ways in which the manufacturer shall provide advanced notice that a consumer -- connected consumer product's life will end. And the first is that they have to provide the notice six months prior to the end of life of that product, and on the date on which such product reaches the end of life, the exact date. And then they -- sub -- subsection F requires them to, let's see, provide it -- provide the actual notice through an interface, through an e-mail and on the connected consumer product's website; is that right?

MR. OTIS: Correct.

MR. MOLITOR: Would you -- would you be assuming in this bill that a manufacturer has the means to provide all of those different forms of notice? Because it's -- the notice is -- it's required that the manufacturer provides all three levels of notice, but a manufacturer might not have, like, for example, a website. Is that something that might be problematic?

MR. OTIS: I -- I think when it comes -- I -- I don't think it's problematic. I think if you're providing internet connected services and you're a company that has the sophistication to do that with the -- the technologies that are involved today, we want them to have multiple ways that they let a -- a consumer know when the internet service functions are gonna be supported and yes, they should have a website.

MR. MOLITOR: Okay.

MR. OTIS: And they probably do.

MR. MOLITOR: Hopefully, right? And then it's --

MR. OTIS: Good -- good -- good for the website business.

MR. MOLITOR: Good for the website business, yes. Let's see.

So then under subsection G, the manufacturer also has to provide clear information about actions that consumers can take to basically get their -- their, you know, the features that they've been relying upon restored or replaced, vulnerability -- vulnerability in

security risks that are likely to result from such products end of life. Does it also provide, I didn't see it in there but maybe I missed it, does it also provide a way for the consumer to retrieve maybe data that -- that's been stored as a result of that -- of having that product to get that?

MR. OTIS: That is not part of this bill.

MR. MOLITOR: Okay. And then on subsection H, which is on page 3 there, line 8, it states that the manufacturer shall not sell, lease or otherwise distribute the product after the date that is one year before the minimum guaranteed support timeframe end date of such product.

So trying to understand this part of it. Sometimes, especially in our technological world, technology changes so quickly. I mean, you know, you could -- you could buy a product and six months later it's obsolete. So I guess my first question to you on this -- on this paragraph is, how will a manufacturer know so far in advance that -- when a product's end life will actually be? Like how can they first notice that to consume -- to a consumer when especially in our technological world, they might not know a product is gonna become obsolete in advance?

MR. OTIS: Well, if they -- in the case of this section, this section relates to we don't want them putting something on the market that they know is going to be superfluous within a year and that's to protect the consumer. You're asking the question of what happens if it becomes superfluous that quickly, they didn't know

ahead of time would be your scenario --

MR. MOLITOR: Right.

MR. OTIS: I -- I think they're gonna have to fulfill the commitments in the bill regardless. But people generally don't buy tech -- technology items for such short period of time -- times and so, I -- I don't see this section as a problem. I see it as a protection for the consumer, that you don't have people -- you don't have companies putting out the door a product they know is going to become obsolete just because they want to get it off of their shelves. They have a responsibility to provide some sort of longevity of service to a consumer.

MR. MOLITOR: So in a situation like I've just described, essentially what you're saying, if -- if a manufacturer acted in good faith and the technology changed, they just wouldn't be in violation of this law?

MR. OTIS: I think that's correct.

MR. MOLITOR: Okay. Do you -- do you foresee an issue where maybe a -- a manufacturer will have to keep a product on the market and keep inventory of that product on the market and keep support services for that product employed because subsection H -- or, I'm sorry. Even though they have an opportunity to offload that product, sell that product, lease that product, you know, transfer support services for that product to another business, that they wouldn't be able to do that because subsection H restricts them from doing it when it's within that one-year timeframe of when they know

the product -- the product's life will end. And can I just tell you what I think my concern might be there?

MR. OTIS: Sure.

MR. MOLITOR: Is, you know, maybe they want -- maybe a manufacturer wants to off-load the -- this product, sell it, lease it or whatever, transport -- or transfer support services to another company because that other company might actually want to continue the product beyond its actual end of life, and this section would -- would actually prevent the manufacturer from doing that within a year.

MR. OTIS: Well, actually this section has a different purpose. This section relates to products that are leased. And so, there's a commitment -- a requirement in this section that if you're leasing for that period of time and you want to change the product, you have to provide to the -- the person who's leasing the product a replacement product to fulfill the time period. So I think --

MR. MOLITOR: I think, Mr. Otis --

MR. OTIS: -- I -- I think you're reading this section more broadly than it is drafted.

MR. MOLITOR: I -- I may be wrong, but I think what you're referencing is subsection I because subsection H says, the manufacturer shall not sell, lease, or otherwise distribute --

MR. OTIS: Correct.

MR. MOLITOR: -- that was the section that I was looking at --

MR. OTIS: Yeah.

MR. MOLITOR: -- and it specifically states that a manufacturer shall not do that after the date that is one year before the minimum guaranteed support timeframe end date for such product and that's where I think if --

ACTING SPEAKER HUNTER: Mr. Molitor, you want your second 15?

If you could just hold on one moment, please, sir.

Mr. Fall.

MR. FALL: Madam Speaker, can you please call on the Rules Committee to meet in the Speaker's Conference Room?

ACTING SPEAKER HUNTER: Rules Committee members, please make your way to the Speaker's Conference Room. Rules Committee, Speaker's Conference Room.

Mr. Molitor.

Mr. Otis, we're having a hard time hearing you and I know you don't want to speak to his back, but we need you closer to the microphone. The stenographers need to hear what you're saying. Thank you.

MR. MOLITOR: Mr. Otis, I won't be offended. I know from practicing in court that the stenographer is the most important person here, so we should all be most respectful to them, first and foremost --

MR. OTIS: I think you were the most important person here.

MR. MOLITOR: No, no. Definitely not. So yeah, you can turn your back to me, that's no problem.

So I just want to go back to Section H. I guess I'm just concerned based upon the language of that section that it actually might restrict the transfer of a product that could be -- and the -- and the support services because you think about these digital products, you know, there's, you know, IT individuals or -- or IT people that are involved in servicing these products. You know, they may be, you know, they may hear from the manufacturer like, *look, you know, this product is gonna end within, you know, in -- in January. We're not gonna need you anymore, but -- we -- and we'd like to sell the product to another company and allow, you know, you to go work for this other company, but we can't do it because this language in -- in subsection H prevents us from doing that. It's too close to the end time of the -- or the product's end of life time.*

MR. OTIS: I don't read that section that way. I read it as we don't want them marketing and selling a product that is gonna become superfluous in less than a year and they -- and -- where they know it.

MR. MOLITOR: Okay. Thank you, Mr. Otis.

Are -- are you concerned, I -- I -- I did a little bit of research on this bill. It appears that maybe California has something similar to this and Massa -- yeah. I'm sorry.

(Conferring)

And Massachusetts maybe has something similar to

this. Are you aware of any other states that have this bill or any -- any federal protection?

MR. OTIS: I'm not aware of any federal protection. There are -- there is some interest in other states in working on this issue. Our bill is uniquely drafted the way it is and I would -- I would say that we did hear from -- did make some changes based upon suggestions from folks in the industry. We made a -- a change related to medical devices to make it consistent with the medical devices that are already covered under a -- a section of federal law, so we -- they're -- they're exempted there. And we made sure with our bill that the burden here is on the manufacturer more than the retailer, and so even if the retailer has to make sure you get the material but the burden of providing at point of sale, the clear material falls on the manufacturer.

MR. MOLITOR: And this is the -- the B- print, right, Mr. Otis? There was an A- print and this B- print addresses those issues as -- as you said, right?

MR. OTIS: Correct.

MR. MOLITOR: The reason I asked the question about this -- about whether any other states have this particular bill or similar is that I'm concerned that a manufacturer might bring a Commerce Clause violation lawsuit because this bill restricts a product that's being sold in the State of New York and restricts it in -- in very specific ways and a business is gonna have to alter -- a -- a -- a business that sells one or more of these products is gonna have to alter its entire way of doing business across, you know, the, you know, the

United States, internationally, whatever because of the -- this particular bill. Are you concerned that that might be an issue?

MR. OTIS: Well, I -- I am not and if that were the general premise, we would probably -- you might argue that we should repeal the entire article of General Business Law of New York State law. States have the ability to provide these kinds of protections and we do it in New York in many different ways without violating the Commerce Clause.

MR. MOLITOR: Okay. Thank you, Mr. Otis.

Just want to talk about the enforcement mechanism which is Section 4, line 25. It says that any violation of this -- of the provisions of this section shall constitute an unlawful practice under Section 349 of this Chapter. All remedies, penalties and authority granted to the Attorney General therein shall be available for the enforcement of this section.

So in the -- in a case where a manufacturer does intentionally or knowingly violate this section, what are the -- the exact penalties if the Attorney General brings an action against the manufacturer?

MR. OTIS: We're just using here the existing remedies in the General Business Law. The -- a civil penalty can be not more than \$5,000 for each violation. A -- a broader kind of violation for which you're dealing with interference with the market and the penalty can be \$15,000. But this just tracks the existing section that we have in the General Business law for a variety of areas

where the Attorney General's Office has the power of enforcement.

No -- we make no changes to those sections.

MR. MOLITOR: Thank you, Mr. Otis.

And finally, have you -- have you in your discussions with Consumer Reports received any -- any data on how many people are experiencing this issue across New York State or have been requesting this sort of information when they buy a product across New York State or even across all, you know, whether -- I know Consumer Reports is -- is a -- a national organization. But have you received any information from them about how widespread this particular issue is?

MR. OTIS: Actually, this phenomenon is quite common. If you have a -- a -- a cable modum or an internet modum in your house, your -- those -- the continuity of those devices expires at a certain point, they may contact you and say, *will you replace -- we need you to replace the device with our phones, with our computers, with other kinds of appliances*. This is very common. So I would say that this is actually something that every one of us is experiencing in -- in some way now and I think that this is really a very simple proposition that a consumer should be told upfront how long the company is going to -- the manufacturer is going to stand by providing those internet connected services and then the consumer is in the position to choose which product including those services they will choose to buy.

MR. MOLITOR: Mr. Otis, I'm gonna go on the bill

now. Thank you so much for answering my questions.

MR. OTIS: Thank you. Always a pleasure.

ACTING SPEAKER HUNTER: On the bill.

MR. MOLITOR: Thank you. So as I laid out in -- with this particular bill, I -- I think that it's, you know, very well-intentioned. It certainly is a -- a consumer protection bill. I would say that missed -- the answer that I received by the sponsor to my very last question is probably the most interesting one to me because I just found out that my modum is expired and that I have to get a new one. So that really struck a cord and I didn't get any warning either, so that's pretty frustrating. And so, I think some people are going to support this legislation for that reason.

My concerns as I laid out, is that there are going -- this is going to put some restrictions on the manufacturers of certain products I think that want to sell maybe -- maybe realize that a product is nearing the end of its life and want to sell that product to another company so it can be serviced by that company, so that service can be extended. And if enough manufacturers get together to challenge this law, I think they do have a viable Commerce Clause violation claim whether it, you know, whether the courts agree with that or not remains to be seen.

So for some -- for those reasons, I think some people will be down and again, I'd like to thank the sponsor for answering my questions.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. OTIS: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much. So I just have just a -- a kind of a quick area of questioning. If you look at page 3 of the bill starting at line 18, it talks about that when the -- when the product has reached its end of life, that subpart B says that the business will replace -- this is in air quotes, "replace such product at no additional cost to consumers with a comparable product capable of receiving necessary updates and support." So we were just hearing on debate a modum was used as an example, but I imagine that that section could apply to a number of different kinds of products, right?

MR. OTIS: Well, that section -- the section you're reading from only applies to products that are leased --

MS. WALSH: Okay.

MR. OTIS: -- so it's not the whole bill. But I -- but I -- I -- I would say -- I would make one distinction --

MS. WALSH: Okay.

MR. OTIS: -- because the cable TV, which is a very common thing, the -- it is in the interest of the cable TV company or the internet provider to have successful service. They don't -- they

don't benefit if you're not getting service. So in some sense, that's gonna take care of itself naturally now even without this bill, but it -- it -- if you have -- if you have a cell phone that has let's say cyber security protections that are provided by the manufacturer and they're going to expire and not necessarily be continued but the phone still works, but you're losing those protections. We want you to know that those protections are -- might go away. Theoretically, with your cable TV modum, you may have diminished service or no service at all. It's in everyone's interest for them to do that upgrade. So they're less the target of this, but providing communication, which they do, they did with Mr. Molitor clearly. And I said, I have one and I have not replaced it yet. You know, I've ignored the -- the warning but the -- in the -- in the case of a leased item which is the section you're talking about --

MS. WALSH: Yes.

MR. OTIS: -- it -- it's just there's a lease and there's a commitment in that lease to provide the service. This section only is -- is saying they have to replace it, so they're continuing to fill the obligations of the lease that they entered into.

MS. WALSH: What about something like a -- like a car or a computer and those -- those items have been leased? Would this --

MR. OTIS: Well --

MS. WALSH: -- would that section I just talked about or mentioned to you, would that -- would -- would somebody be

able to get a -- a replacement car or a computer under that section of the law?

MR. OTIS: Well, they would have to replace that -- that functioning internet connection which does get upgraded in cars. But the -- so the answer's yes.

MS. WALSH: Yeah. Or -- or same thing with a -- with a computer if you leased your computer or something like that? They would have to --

MR. OTIS: Yeah. That one -- this one section of the bill is -- is basically saying that if you're leasing something and they were providing that service, they have to fulfil that obligation as part of the lease. That's all.

MS. WALSH: Okay. All right. Thank you very much, appreciate it.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Walsh for the purpose of an introduction.

MS. WALSH: Thank you very much, Madam

Speaker, for allowing me to interrupt the proceedings for the purposes of an introduction on behalf of Assemblymember Chludzinski. He is joined today and we are joined today by the Depew Women's Bowling Team. They are the 2026 New York State Public High School Athletic Association Division II State Champions. In the championship match in March, the Lady Wildcats overcame a huge 73-pin deficit in the deciding sixth game to win their second State title in three years and the third in school history.

Joining us today are Brianna Lorefice, McKenna Groff, Zoey -- oh boy -- Zmozynski, sorry. Maddie Nagel, Zoe Ferron, Emma Felton. Emma Felton, who was also the Division 2 Individual State Champion and their coach, Ray Cooper. Thank you to all the parents who left Cheektowaga early this morning to provide transportation for the girls to participate in this very special day.

To all of these outstanding student athletes and your teammates who were not able to make the trip today and to you Coach Cooper, congratulations on your outstanding achievements and thank you for representing your school and your community in such a positive way.

Madam Speaker, would you please extend to these student athletes, their parents and coach the courtesies of the House?

Thank you.

ACTING SPEAKER HUNTER: Yes. On behalf of Ms. Walsh, Mr. Chludzinski, the Speaker and all members, congratulations to the Lady Wildcats. We welcome you to our

Assembly Chamber, extending to you the privileges of the floor.

Always exciting to see repeat champions here in our Assembly Chamber. Thank you to the coaches and parents who uplift our young students. We wish you the best for your continued athletic -- athletic and academic endeavors and thank you so very much for joining us today.

Congratulations again, ladies.

(Applause)

Page 10, Rules Report No. 264, the Clerk will read.

THE CLERK: Senate Bill S07618-B, Rules Report No. 264, Senator Hinchey (Reyes, Colton, Levenberg, Rosenthal, Kelles, Schiavoni, Cruz, Gallagher, Alvarez, Tapia, Paulin, Kassay, McDonough, Simon, Burroughs, Fitzpatrick, K. Brown, Shimsky, Shrestha, González-Rojas, Raga, Kay, Simone, Anderson, Lupardo, Jackson, Tague, Lemondes, Braunstein, DeStefano -- A07291-B). An act to amend the Agriculture and Markets law, in relation to food safety and quality date labeling requirements.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Reyes.

MS. REYES: This bill would standardize food safety and quality date labeling on food products for human consumption. It also requires that manufacturers and producers use a scientifically valid method to estimate the shelf life of their food products to determine the food date labels. These standards will be determined by

the Department of Agriculture and Markets in consultation with the Department of Health. It also requires that the Department of Agriculture and Markets will promulgate rules and regulations requiring wholesalers, retailers and grocery stores to post signage on the meaning of food data labels and prepare educational materials to be posted on their website regarding the meaning of terms on the food date labels.

ACTING SPEAKER HUNTER: Mr. Manktelow.

MR. MANKTELOW: Thank you, Madam Speaker.

Would the sponsor yield for a question?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. REYES: Gladly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MANKTELOW: I'm sorry, for a few questions?

MS. REYES: Yes, of course.

MR. MANKTELOW: All right. As I was looking through the language of the bill, is there any exemptions here for agricultural producers?

MS. REYES: When you refer to agricultural producers, what do you mean specifically?

MR. MANKTELOW: I was -- like the example of an apple farmer.

MS. REYES: So apples don't have expiration dates on them, so they wouldn't -- they wouldn't fall under this requirement.

MR. MANKTELOW: So any -- any produce would not fall under this at all?

MS. REYES: If they currently don't use date labels, then no. They don't have to.

MR. MANKTELOW: So I know a lot of our producers put their apples when they come out of the cold storage or come out of the --

MS. REYES: I'm listening -- I'm listening.

MR. MANKTELOW: -- out of the CA rooms, Controlled Atmosphere rooms, they're then put in a bag and shipped off to a grocery store, a farmer's market, even a food pantry. So none of those would be required to put this labeling on those packages?

MS. REYES: If the packages currently use labels, the only requirement we are making is that we streamline the labels. So we can only -- we're only using "use by" or "best if used by" labels. Because currently, the labels can be confusing, so we're trying to make it easier for consumers to be able to determine what those labels mean.

MR. MANKTELOW: So has anybody looked at any of the packaging on farm products to see if those labels are on any of those?

MS. REYES: Not individual products, but we've looked at some products throughout the State.

MR. MANKTELOW: So when I get back home in district and I go to a grocery store, I'm gonna look at a few of the

packages whether -- whether it's potatoes, onions, celery, whatever the product is, I just want to make sure we don't tie our farmers' hands up with this because they are the producers, the so-called manufacturers of the vegetables or the fruit. And I don't -- I don't want something to be pushed on them that really can't be -- can't be done because it could be a dry year, it could be a wet year, it could be a hot year, it could be a colder year. That all effects our vegetables and our -- our fruit, our apples, our cherries. And we may not see it the day we pick it off the apple tree, but when it goes to cold storage, controlled atmosphere storage or it gets bagged, you can see a change happen very quickly.

So to the best of your knowledge, it will not effect any of our agricultural producers?

MS. REYES: No, this is not a mandate. And we are -- and we are not -- we're not trying to change how they produce and package or anything like that. We just want to streamline some of the labeling. Consumers are very confused by what some of the labels mean. We have over 40 different labels that can be used and there is a lot of food waste when something is perfectly adequate to consume. People look at a label and because it says, you know, "expired by" or "use by" or "sell by" and people throw out food that is perfectly good to consume, so we just want to make sure that there's less food waste, both for the manufacturers, the packaging companies and all that and for consumers as well.

MR. MANKTELOW: Sure. How -- how does Ag and Markets play into this if you could help me with that a little bit.

How -- as I was reading the language, what would they play -- what role would they play in promulgating this moving forward?

MS. REYES: Well, they -- they're -- they're promulgating the rules.

MR. MANKTELOW: So they're -- they're -- they're -- they are going --

MS. REYES: Um --

MR. MANKTELOW: -- I'm sorry. Go ahead.

MS. REYES: They're promulgating the rules on the signage requirement for stores, the educational component --

(Conferring)

So I'll read what I have here: "The Department of Agriculture and Markets will promulgate rules and regulations requiring wholesalers, retailers and grocery stores to post signage on the meaning of food data labels and prepare education materials to be posted on their website regarding the meaning of terms on the food date labels." Because what we're trying to do since we're trying to streamline the process, we also want to make sure that we educate consumers on what it means so people stop wasting so much food.

MR. MANKTELOW: Sure. I -- I -- absolutely. I think it's a -- it's a great idea.

I know this isn't part of the bill, it's probably not germane to the bill, but one thing I would love to see is a lot of our producers here in New York State sometimes they have a surplus of apples, surplus of potatoes. I would love to streamline where we can

get those products to New York City, Syracuse, the -- the higher populated areas to get rid of that food waste because sometimes, when the apples are in abundance, we can't find a home for all those apples and it breaks my heart to see those apples laying on the ground when we could use those apples to feed somebody here in New York State.

MS. REYES: I -- I couldn't agree with you more and one of the things that we've heard from food pantries is the fact that oftentimes these food labeling -- the food labeling that is used ties their hands as well because, you know, you might put something in the food pantry that says "sell buy" and people might think that they're getting spoiled food when it's not actually spoiled. So this -- this streamlining of the labeling, they're in favor of for that very reason, and nothing in this bill says that it would change the food that is in compliance with being to -- allowed to be donated. Excuse me.

MR. MANKTELOW: Okay. I -- I appreciate you taking the time to answer my few questions. I just wanted to be sure that our farmers, our ag producers here in New York State aren't going to be hurt long-term with this. You did a good job of explaining what you plan on doing with this bill. So thank you again for taking the time to let me know what -- what it really is going to do.

MS. REYES: My pleasure.

MR. MANKTELOW: Thank you.

MS. REYES: Thank you.

MR. MANKTELOW: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MANKTELOW: Thank you, Madam Speaker. I appreciate the sponsor's answers. We have a -- sometimes an egg, we have a -- an abundance of food that we could share with a lot of other people, people that don't have a lot of food and this is one step in moving that forward. I hope to work with the sponsor hopefully down the road to -- to get some of our Wayne County apples down in New York City, get the applesauce down there, all of our products across the State.

So thank you for allowing me to ask a few questions, very much appreciated.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Tague.

MR. TAGUE: Would the sponsor yield for a couple questions, please?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. REYES: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. TAGUE: I just -- Ms. Reyes, I just -- a couple brief questions because I'm a little confused here because I actually believe that I signed onto this bill and -- but my colleague here was mentioning about the food banks and to be quite honest, one of the reasons why I signed on to this bill was because I thought this was going to be easier for the food banks and the Nourish New York Program to get these products. Is -- is that true?

MS. REYES: Yes.

MR. TAGUE: Okay. I just wanted to make sure. Do you know why Farm Bureau is opposed to this?

MS. REYES: I'm not certain. Do you know?

MR. TAGUE: I do -- well, I'm a little -- I sort of do but I have not --

(Crosstalk)

MS. REYES: Do you have -- do you have a bill of opposition from the Farm Bureau?

MR. TAGUE: I did not -- I did not see the memo on that. I --

MS. REYES: Because we haven't seen one either. That's --

MR. TAGUE: Okay. I guess my -- the round and about way what I was told was is that whoever was lobbying for the bill was telling them that Farm Bureau was on board and they weren't on board or they hadn't been spoken to. So I just want to caution you about that because this is a tough vote for me. I'm on the bill, I like it especially with the, you know, Nourish New York Program and helping out our food banks and I want to make sure that, as my colleague mentioned, that the overproduction of -- of produce and meats, milk, cheese in Upstate New York, that we find a home for it instead of throwing it in the trash.

So I am gonna support the bill today, but I would hope that we would sit down with Farm Bureau and see if there is an

issue, if there needs to be some amendments because I think this is very important and I think it -- it's gonna make things on -- run a little bit smoother.

So I thank you for bringing the bill forward. I am a cosponsor, I do plan on voting yes. Whenever we can feed people, you always got my vote.

Thank you.

MS. REYES: Thank you, Mr. Tague.

MR. TAGUE: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Bendett to explain his vote.

MR. BENDETT: Thank you, Madam Speaker. I rise to explain my vote. I -- I heard about this bill on the Task Force of Farm, Food and Nutrition to which the Chairman of that task force has done a fantastic job. And I heard Mrs. -- Ms. Rey -- Mrs. Reyes [sic] talk about it and I think this is really a fantastic bill and I encourage all my colleagues to support it.

ACTING SPEAKER HUNTER: Thank you.

Mr. Bendett in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 8, Rules Report No. 224, the Clerk will read.

THE CLERK: Senate No. S04832-A, Rules Report No. 224, Senator Ryan (Bronson, Jacobson -- A05809A). An act to amend the Workers' Compensation Law, in relation to requiring the Workers' Compensation Board to submit a supplemental report every year thereafter.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Bronson.

MR. BRONSON: Yes, Madam Speaker. This bill would address a reporting requirement for the Workers' Comp Board to report to us what's happening in the system. As you know, in 1914 we established the Workers' Compensation Board which was there to create a no-fault system for workers to receive payment for their medical treatment as a result of an injury on the job and to receive wage replacement if the -- they lost wages. In 2007 when I was a staff person, that was the last time we actually made a substantial change to the Workers' Comp system. We changed it a little bit more in 2013, but it's been a long time since we have modernized and changed the system.

So this bill knowing that we want to make sure that the Workers' Comp system is there to really provide for workers who

are injured on the job. We want to know what's happening in that system so that we can make informed policy decisions as a result.

So this would require a supplement to the current annual reporting from the Workers' Comp Board to be submitted so that we can analyze the system.

ACTING SPEAKER HUNTER: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the sponsor please yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. BRONSON: Yes I will, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much. So I got a chuckle because I was looking at your memorandum of support and it describes the Workers' Compensation Board, it's become a "cumbersome, byzantine and confusing systems for New -- system for New Yorkers to navigate." And you know, I don't disagree with you. I -- I think what I want to try to get a -- ahold of in my mind is -- because we already require annual reporting as you said and that annual reporting states in detail the work that's been done in hearing and deciding cases and otherwise. Now this bill would add that supplemental report that you mentioned. Why do we -- why do we specifically need the information that's gonna be contained in the supplemental report?

MR. BRONSON: Because what we're receiving is a

very broad explanation of the hearings and decisions instead of how long is the process taking? Are there injured workers where there are repeated appeals to decisions? Are there situations where workers are waiting to get authorization for medical treatment or a determination on their wage replacement? And what type of cases are being brought? What type of appeals are being brought?

We give a very long list of -- of the items that we would like to see in the supplemental report and we think that will give us a more clear idea of what's happening so that once we're -- we make some changes, we can say, *we have a system that's really working*.

MS. WALSH: Okay. I -- well I mean, I see that it's specific to modernization efforts that there's a modernization effort to transition from paper-based transaction to go digital, cloud-based on a system called Onboard and that will allow for electronic billing and online forms submission and virtual hearings and stuff. So is the supplemental report trying to really inform on the modernization efforts? Or it sounds almost like from what you just said, you're taking a very broad look at the effectiveness of the whole system not just the modernization piece.

MR. BRONSON: That's -- that's correct. It -- it's on the effectiveness but it's also on the modernization and as we know, technology in many instances helps us with systems and processes, so we want to see if that's happening here. The on-boarding system's there. I think there's actually two electronic filing systems in the

Worker's Comp system. We've received complaints about that while at the same time, we have some insured -- insurers who want to increase the electronic pros -- procedures in the system. So we want to get an idea about that part of it as well.

MS. WALSH: Yeah. I mean, I would say that my office, I'm sure many of your offices have received constituent complaints and concerns around the Workers' Compensation Board and -- and that whole -- that whole process. We're -- we're all getting, I'm sure, calls about that.

Now I see that the annual report that's under current law that's required is provided to the Governor. This supplemental report will be provided to the Governor, the Speaker of the Assembly and the temporary President of the Senate, but it doesn't include any provision of the report to the Minority party, which, you know -- or our leader, which is a concern because as I said, all of our offices regardless of party are being contacted by constituents and we would all like to be able to report back to them about what is going on with the Board. So is there a reason for that?

MR. BRONSON: Yeah, there is and as you all know from my other public statements both in debate and otherwise, I usually have a preference of including the Minority and you know, when we're setting up commissions and boards and things of that nature and in reporting. However in this instance, relatively recently in the '25-'26 budget, we changed the current reporting rules that will go in effect in January 1st of 2028 to include the Governor, the Senate

Majority and the Assembly Majority. And so, since that was just recently negotiated in a budget, we felt it was important to keep it that way here.

MS. WALSH: I mean that's great news. I mean, I -- so you just didn't want to go through and get -- come up with a B-print and maybe delay the bill by -- by not including us?

MR. BRONSON: Or -- or, you know, the other things is, you know, we probably would've faced a chapter issue at that point since again, it was just last year that we changed the current, I think it's Section 153 of the Workers' Comp law, to say that instead of just the Governor, it would be the Governor and the two Majority Houses.

MS. WALSH: Okay. But still not the Minority?

MR. BRONSON: Not the Minority, correct.

MS. WALSH: Yeah. I mean, why not include us?

MR. BRONSON: Well, that's -- what I'm trying to explain to you is that although I usually -- that's usually, my preference --

MS. WALSH: Yeah.

MR. BRONSON: -- in this particular instance because just last year we changed this section of law to change it from Governor, to Governor and the Majority in the Assembly and the Majority in the Senate, we just wanted to have that consistency.

MS. WALSH: Okay. All right. Well, very good. Thank you very much, Mr. Bronson. I appreciate it.

MR. BRONSON: Thank you.

MS. WALSH: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: I mean, that's really my biggest issue with it is -- and that was really, frankly, the reason that we laid the bill aside for a few questions because -- which -- which, you know it's unfortunate. I think, you know, regardless of the party of the individual representing the district, we all are representing around 135,000 or so, plus or minus people in our districts, they all have Workers' Comp concerns. And when they contact our office or if they contact our office and we all should be able to see and understand what is going on with the Worker's Comp Board, what is going on with modernization efforts. And you know, we've raised this issue so many times on the floor, I feel like I'm blue in the face from talking about it.

Some drafters of legislation have changed the wording even in their bills to say that -- that -- that a report will be submitted to the Legislature, you know and doesn't even talk about that it's only going to be provided to the Majority. But I mean, I just -- I would ask for some -- some sensitivity and consideration when bill drafting, or when you do have a bill idea -- idea that obviously has overall interest to the entire Body and all of the people that we represent.

So, I mean -- and -- and then I've also -- I've also heard, not on this bill so much but on other bills, well, as -- as a -- as

the person that you're debating, *Ms. Walsh, I -- I promise that I will provide the -- the report to you.* Which sounds great and I mean it sounds -- it's very collegial, but, you know, we don't -- none of us know who's gonna be -- many of us don't know who is gonna be around come the new year or what -- what changes could -- could happen. That person might not be there next year or the year after. So I think it's a lot cleaner and better to just put it in the language of the law and the rules that we're following.

And so for that reason, there might be a few people who despite the admirable intention behind doing a supplemental report better understanding the Worker's Compensation Board, there may be a few members who just strictly on principle and not being provided the report to the Minority will be voting in the negative.

So thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Jacobson to explain his vote.

MR. JACOBSON: Thank you, Madam Speaker. I'd like to explain my vote. I want to commend the sponsor for bringing this bill up. I was a Workers' Comp judge and I practiced Workers' Comp for over 20 years. The -- the Board has lost its mission. It

doesn't wanna do what it has to do to make sure that claimants can get treated quickly and get back to work quickly. Workers don't wanna just be on the sidelines. They've got a great job that they want to go back to, and it takes forever to get approvals for treatment. A more or less routine injury that should not take more than three months is taking six, nine, a year, year-and-a-half because of -- of the refusal of the insurance companies to approve treatment in a timely manner.

So I'm happy that -- to vote for this bill. I hope we can then carve some new reforms for the Workers' Comp Board so that we can get the -- the Board can get back to its original mission. Thank you.

ACTING SPEAKER HUNTER: Mr. Jacobson in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Madam Speaker, members have on their desks an A-Calendar. I now move to advance the A-Calendar and that we take it up immediately.

ACTING SPEAKER HUNTER: Thank you.

On Mr. Fall's motion, the A-Calendar is advanced.

On consent, page 3, Rules Report No. 330, the Clerk will read.

THE CLERK: Assembly No. A00269-A, Rules

Report No. 330, Paulin, Powers. An act to amend the Correction Law and the Social Services Law, in relation to the enrollment of incarcerated individuals in the Medical Assistance for Needy Persons Program.

ACTING SPEAKER HUNTER: On a motion by Ms. Paulin, the Senate bill is before the House. The Senate bill is advanced.

This bill is laid aside.

THE CLERK: Assembly No. A00494, Rules Report No. 331, Magnarelli, Steck, Levenberg, Shimsky, Lavine, Weprin, Sayegh, Santabarbara, Zinerman, Davila, Hyndman, Reyes, McDonald, Romero, Buttenschon, Kay, Colton, Seawright, Burroughs, Griffin. An act to amend the Vehicle and Traffic Law, in relation to driver education.

ACTING SPEAKER HUNTER: On a motion by Mr. Magnarelli, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A02428, Rules Report No. 332, Rosenthal, Sayegh. An act to amend the Public Health Law, in relation to providing free menstrual products in the restrooms of private colleges and universities.

ACTING SPEAKER HUNTER: On a motion by Ms. Rosenthal, the Senate bill is before the House. The Senate bill is advanced.

This bill is laid aside.

THE CLERK: Assembly No. A03508, Rules Report No. 333, Bichotte Hermelyn, Davila, Lucas. An act to amend the Public Health Law, in relation to doula-friendly workspaces.

ACTING SPEAKER HUNTER: On a motion by Ms. Bichotte Hermelyn, the Senate bill is before the House. The Senate bill is advanced.

This bill is laid aside.

THE CLERK: Assembly No. A04537-A, Rules Report No. 334, Fall, Lee, Glick. An act to amend the Public Authorities Law, in relation to establishing ground rent rebates for eligible homeowners and renters in the Battery Park project area.

ACTING SPEAKER HUNTER: On a motion by Mr. Fall, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A04674-A, Rules Report No. 335, Burdick. An act to amend the Judiciary Law, in relation to the publication of opinions rendered in criminal cases.

ACTING SPEAKER HUNTER: On a motion by Mr. Burdick, the Senate bill is before the House. The Senate bill is advanced.

The bill is laid aside.

THE CLERK: Assembly No. A04922-C, Rules Report No. 336, Levenberg, Simon, Forrest, Eachus, Simone, Burdick, Shimsky, Hevesi, Cruz. An act to amend the General Business Law and the Civil Practice Law and Rules, in relation to protecting private education loan borrowers and cosigners.

ACTING SPEAKER HUNTER: On a motion by Ms. Levenberg, the Senate bill is before the House. The Senate bill is advanced.

This bill is laid aside.

THE CLERK: Assembly No. A05079-E, Rules Report No. 337, O'Pharrow, Tapia, Steck, Taylor, Lucas, Dais, Meeks, Chandler-Waterman, Anderson, Durso, K. Brown, Lunsford, DeStefano, Colton, Shimsky, Hyndman, McDonough, Kassay. An act to amend the General Business Law and the Executive Law, in

relation to school security guards.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect August 1, 2027.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A05361-B, Rules Report No. 338 is high.

Assembly No. A05835-B, Rules Report No. 339, R. Carroll, Levenberg, Walker, McDonald, Torres, Lunsford, Taylor, Schiavoni, Buttenschon, Williams. An act to amend the Education Law, in relation to establishing the Libraries Literacy Education Guidance Act.

ACTING SPEAKER HUNTER: On a motion by Mr. R. Carroll, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06148-A, Rules Report No. 340, Lemondes, Jensen, DeStefano. An act in relation to authorizing Christopher Walser and Matthew Patire to each take the competitiveness civil service examination for the position of police officer and be placed on the eligible list for employment as a full-time police officer for the Village of Skaneateles Police Department.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06219-B, Rules Report No. 341, Burdick, Levenberg, Seawright, Slater, Shimsky, Beephan, Benedetto, Sayegh, González-Rojas, Rosenthal, Reyes, Norber, P. Carroll, Cruz, Kassay, Buttenschon, Schiavoni, Santabarbara, Weprin, Pirozzolo, Manktelow, Zinerman, Cook,

Hevesi, Hyndman, Giglio, Tannousis. An act to amend the Civil Rights Law and the Public Buildings Law, in relation to enacting the "Traveling with Dignity Act."

ACTING SPEAKER HUNTER: On a motion by Mr. Burdick, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06318, Rules Report No. 342, Griffin, Conrad, Kassay, DeStefano, Eachus, Shrestha, Shimsky, Paulin, Steck, Levenberg, Lavine, Schiavoni, Sayegh, Buttenschon, P. Carroll, Cashman, McMahon, Stirpe, Lunsford, Kay, Solages, Bronson, Jacobson, Barrett, Lupardo, Magnarelli. An act to amend the Education Law, in relation to extending the time period for guaranteed recovery of energy performance contract costs from energy savings incurred by school districts.

ACTING SPEAKER HUNTER: On a motion by Ms. Griffin, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Griffin to explain her vote.

MS. GRIFFIN: Thank you, Madam Speaker. This bill makes a commonsense change by extending the recovery period for school energy performance contracts from 18 to 25 years, aligning State law with federal standards and with the lifespan of many energy project -- projects.

Energy performance contracts allow schools to upgrade facilities without major upfront costs by paying for improvements through future energy savings. A longer repayment period makes more projects financially feasible, helping districts invest in modern, efficient infrastructure. Lower energy bills mean long-term savings for school districts and more resources that can be directed towards students and classrooms.

Expanding these projects will create good-paying green jobs for skilled workers across New York, from electricians and HVAC technicians to engineers and construction workers. These investments support New York's growing clean energy economy while strengthening local communities and by helping schools reduce energy use and emissions. This bill advances and strengthens New York's environmental and climate goals. This is a win for taxpayers, a

win for schools, a win for the environment, a win for workers and a win for the clean energy economy.

I want to thank Speaker Heastie, Jen Best and the rest of Program and Counsel Staff for their work in reviewing and getting this bill to the floor. I also want to thank Assemblymember Bill Conrad for advocating so strongly for this bill, all of the cosponsors for their support, as well as the wide coalition of school districts, environmental advocates, labor organizations, renewable energy companies and more.

I urge all my colleagues to vote yes. Thank you.

ACTING SPEAKER HUNTER: Ms. Griffin in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A06744, Rules Report No. 343, Simone, Lee, Stirpe, Griffin, Berger, Reyes, Cruz, Simon, Sayegh, Cunningham, Gibbs, R. Carroll, Weprin, Kelles, Tapia, Lupardo, Meeks, Taylor, Kay, K. Brown, Reilly, Benedetto, McDonough, Lunsford, McDonald, Lasher, Seawright, Alvarez, Conrad, Shimsky, Paulin, McMahon, Romero, Wright, Levenberg, Hooks, Raga, Gallagher, Buttenschon, Clark, Lavine, Lucas, Dilan, Eachus. An act to amend the Education Law, in relation to adopting the Psychology Interjurisdictional Compact.

ACTING SPEAKER HUNTER: Read the last

section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Simone to explain his vote.

MR. SIMONE: We are in a mental health crisis, and today is an historic step forward. Over 40 states have already expanded access to mental healthcare by joining the psych -- Psychology Interjurisdictional Compact, PSYPACT. Patients lose access to care when they move for a job, travel to an away game like our New York Knicks, go to college out-of-state, or a senior that relocates for health or medical reasons, or active military. The impact of losing access to your therapist can be devastating, and far too often, tragic. This bill would ensure continuity of care across state lines. This requires zero State funding. This expands access immediately. It supports students, working families and mobile populations. It strengthens our workforce, and it keeps New York competitive. This bill doesn't create new providers, it unlocks the ones we already have. The demand is real, the workforce exists, the model works, and the cost is zero.

This is a vote we should all be proud of. I keep all those who have lost their lives due to lack of access to mental healthcare as I vote today in the affirmative.

ACTING SPEAKER HUNTER: Mr. Simone in the affirmative.

Mr. Palmesano to explain his vote.

MR. PALMESANO: Yes, thank you, Madam Speaker. And I certainly appreciate the sponsor's comments. Yes, we have a mental health crisis, no doubt about it. We need to do a better job to access mental health care. My only question and concern with this bill -- there's a couple concerns I have, and hopefully it can be addressed as we move forward is, there's really no uniform government oversight of the protect -- practitioners in this Compact. There have been no other compacts done before with other professions, and I think some of these things need to be worked out, you know, as far as what kind of recourse there is -- might be if there are damages that could happen. You know, I think that needs to be addressed. And, you know, when we look at the procedures and the practices also with this case, you know, there are some differences between states. For example, some states' psychologists have prescription authority. In New York State they do not. So if a psychologist is practicing remotely, how does New York State prohibit that activity, even if it's outside the scope of practice here in New York?

So I just think there are some questions -- unanswered questions that should be answered. But I do think this idea of the compact is something we talk about and have heard. We need to have more collaboration. I just hope some of these points that

(indiscernible) about that uniform oversight, recourse for damages, and given the fact that there's -- not allowed for other practices and professions, I just think those are some things hopefully moving forward we can address with this legislation. But I certainly applaud the sponsor and the intention behind this legislation. I know there's a lot of yes votes up there. But I -- just because of the concerns I've raised, I'm gonna vote in the negative on this just to address those concerns. And hopefully when there are discussions moving forward, some of these things can be addressed to make sure this is done to address those concerns and done in a proper way.

So thank you, Madam Speaker. Thank you to the sponsor. And, Madam Speaker, I vote in the negative.

ACTING SPEAKER HUNTER: Mr. Palmesano in the negative.

Mr. Blumencranz to explain his vote.

MR. BLUMENCRANZ: Thank you, Madam Speaker. I, too, would like to thank the sponsor for introducing this piece of legislation. I've heard from mental healthcare professionals. I've heard from the psychologists and psych pharmacologists in my district in my community. And I've heard from parents who've dealt with this struggle and their children go away to school and their children can no longer receive the mental health services they were getting. This is something that with a stroke of the pen from the Governor could fundamentally change lives and even save lives for those who want continuity in their mental healthcare.

So I thank the sponsor and I support this piece of legislation. Thank you.

ACTING SPEAKER HUNTER: Mr. Blumencranz in the affirmative.

Ms. Simon to explain her vote.

MS. SIMON: Thank you, Madam Speaker. I want to commend the sponsor for bringing this bill forward. As someone who represented young people for years who were going to -- to college who had psychiatric conditions, I know how important it is for them to be able to get the telehealth services they need. Anybody who is involved with this is going to have to conform to New York law. They won't be able to do things you can't do as a psychologist in New York. This is something that's very, very needed because the consequences of not doing it are horrific. This -- this is something that is just so critically important today.

So thank you very much, and I'll be voting in the affirmative.

ACTING SPEAKER HUNTER: Ms. Simon in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07587-A, Rules Report No. 344, Taylor, Yeger. An act to amend the New York City Health and Hospitals Corporation Act, in relation to requiring

compliance with the City's uniform land use review procedure.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A07594-C, Rules Report No. 345, Lunsford, Levenberg, Griffin, Dinowitz, Shimsky, Seawright, Rosenthal, Hevesi, Jacobson, Raga, McDonald, Reyes, Weprin, Kassay, Lasher, Cruz, K. Brown, Bores. An act to amend the Environmental Conservation Law, in relation to the regulation of toxic substances in playground surfacing materials.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A08140-A, Rules Report No. 346, P. Carroll. An act in relation to authorizing the village of Nyack to alienate and discontinue the use of certain parklands.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A08192-C, Rules Report No. 347, Lucas. An act to amend the Education Law, in relation to requiring signage be placed alongside cultural materials, including artwork and artifacts stolen during the Transatlantic Slave period and the Domestic Slave Trade period, between the 16th and 19th centuries, with its peak between 1700 and 1870, indicating such cultural material was stolen and/or made with materials used in the exchange for enslaved human captives.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A08638-B, Rules Report No. 348, Kim, Shimsky. An act to amend the General Business Law, in relation to the calculation of the maximum fee for health clubs.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09026-A, Rules Report No. 349, Torres, Lee. An act to amend the Agriculture and Markets Law, in relation to requiring the testing of baby food and infant formula for toxic heavy metals and the disclosure of such test results.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A09098-A, Rules Report No. 350, Simpson. An act to amend the Tax Law, in relation to the use of revenues from hotel or motel taxes in the County of Essex.

ACTING SPEAKER HUNTER: On a motion by Mr. Simpson, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09349-B, Rules Report No. 351, Torres, Shimsky, González-Rojas, Reyes, Glick, Levenberg, Tapia, Zinerman, O'Pharrow, Simon, Lasher, Santabarbara, Lee, Steck, Romero, Bores, McMahon, Conrad, Cruz, P. Carroll, Zaccaro, Moreno, Shrestha, Raga, Sayegh, Forrest, Griffin, Clark, Cook, Woerner, Hevesi, Kay, Davila, Kelles, Gibbs, Lavine, Kassay, Burroughs, Rosenthal, Burdick, De Los Santos, Lunsford, Seawright, Bichotte Hermelyn, Gallagher, Hyndman, Burke, Jacobson, Cunningham, Taylor, Alvarez, Jackson, Simone. An act to amend the General Business Law, in relation to prohibiting the use of surveillance pricing.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A09528, Rules Report No. 352, Pheffer Amato, Berger, Cook, Colton, Raga. An act to amend the Public Health Law, in relation to staffing standards for employees performing emergency medical services in the 911 system in a city with a population of over one million people.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will

record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A09561, Rules Report No. 353, Magnarelli, Glick, Levenberg, Reyes. An act to amend the Transportation Law, in relation to imposing certain requirements for the distribution of road salt.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A09574, Rules Report No. 354, Anderson, Chandler-Waterman, Jackson, Tapia, Dinowitz, Cruz, Septimo, Zinerman, Seawright, De Los Santos, Reyes, Taylor, P. Carroll, Stirpe, Simon, Bichotte Hermelyn, O'Pharrow, Burroughs, Hooks, Bologna, Hyndman. An act to amend the State Finance Law, in relation to a deposit placement program for the Banking Development District Program.

ACTING SPEAKER HUNTER: On a motion by Mr. Anderson, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10149, Rules Report No. 355, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to providing a heart disease presumption for certain members employed as probation officers.

ACTING SPEAKER HUNTER: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Fitzpatrick to explain his vote.

MR. FITZPATRICK: Thank you, Madam Speaker. Well, it's that time of year again where we start passing benefit sweeteners. And I have no problem with improving benefits, but this one is going to be very expensive. And I do not believe it is unfair nor unreasonable to ask that this be done through collective bargaining. It wouldn't be unfair to ask the other side to put something on the table to offset the cost of this benefit in perpetuity to assist the taxpayers.

So for that reason I'll be voting no. Thank you.

ACTING SPEAKER HUNTER: Mr. Fitzpatrick in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10152, Rules Report No. 356, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to providing for the transfer of service credit between certain retirement systems.

ACTING SPEAKER HUNTER: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10182-A, Rules Report No. 357, Taylor, Steck, Shimsky, Kelles, Seawright, Simon, Santabarbara, Levenberg, Sayegh, Glick, McMahon. An act to amend the Civil Practice Law and Rules, the New York City Civil Court Act, the Judiciary Law, the Uniform City Court Act, the Uniform District

Court Act and the Uniform Justice Court Act, in relation to redefining "consumer credit transaction" to "consumer debt."

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A10228-A, Rules Report No. 358, Hawley. An act to amend the Tax Law, in relation to authorizing the City of Batavia to impose a hotel and motel tax; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER HUNTER: On a motion by Mr. Hawley, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10250, Rules Report No. 359, Pheffer Amato. An act to amend the Retirement and Social Security Law, in relation to granting certain county fire marshals, supervising fire marshals, fire marshals, assistant fire marshals, assistant chief fire marshals or chief fire marshals pension benefits for service rendered beyond 25 years.

ACTING SPEAKER HUNTER: Home Rule

Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10310-B, Rules
Report No. 360, Paulin, Hevesi, Kelles. An act to amend the Public
Health Law, in relation to requiring residential healthcare facilities to
maintain hospice agreements to ensure access to hospice services for
eligible residents.

ACTING SPEAKER HUNTER: Read the last
section.

THE CLERK: This act shall take effect on the 100th
day.

ACTING SPEAKER HUNTER: The Clerk will
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10355, Rules Report No. 361, Tapia, Brabenec, Gray, DeStefano, Burdick, Cruz, Palmesano, Levenberg, Morinello, Alvarez, De Los Santos, Reyes, Hyndman, Lunsford, Dais, Davila, Kassay, K. Brown, Santabarbara, Lemondes, Colton. An act to amend the Retirement and Social Security Law, in relation to death benefits for the beneficiaries of certain members of the retirement sytem.

ACTING SPEAKER HUNTER: On a motion by Ms. Tapia, the Senate bill is before the House. The Senate bill is advanced.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Tapia to explain her vote.

MS. TAPIA: Thank you, Madam Speaker. Across the State, judges show up every single day to protect our people and uphold our democracy. Yet, if a State judge dies one day before filing for retirement, their family receives only a basic lump sum death benefit, often a fraction of the pension that the judge spent decades earning. Had that same judge retired 24 hours earlier, their spouse or children would be entitled to their full pension benefits. We corrected this injustice for teachers, police officers and firefighters in 2000. We fixed it for correctional officers in this year's budget. We left our

judges behind. These are men and women who often enter public service later in life, whose experience and judgment we want on the bench, but who feel forced to retire early not because they are ready to stop serving, but because they cannot risk leaving their families with nothing.

This bill does not create new benefits. It simple -- it simply ensures that the -- that when a judge dies in active service, their family can access the pension that that judge already earned. The United Court System [sic] support this bill. Judges Associations and Bar Associations across the State support this bill. Let us stop making public service a gamble. Let us honor --

ACTING SPEAKER HUNTER: Thank you, Ms. Tapia.

MS. TAPIA: -- what our judges give to this State, and --

ACTING SPEAKER HUNTER: How do you vote?

MS. TAPIS: -- make sure their families are protected when it matters the most.

I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Tapia in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10359, Rules Report

No. 362, Kay. An act to amend the Retirement and Social Security Law, in relation to providing certain death benefits to correction officers, correction officer-sergeants, correction officer-captains, assistant wardens, associate wardens or wardens employed by Orange County.

ACTING SPEAKER HUNTER: Home Rule

Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will
record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10414, Rules Report No. 336, Pheffer Amato. An act to amend the Retirement and Social Security Law and the Administrative Code of the City of New York, in relation to the establishment of 25-year retirement programs for members of the New York City Employees' Retirement System employed as water supply police; and in relation to providing for employer pick up, pursuant to provisions of the Internal Revenue Code, of certain additional member contributions required to be made by certain participants in the 25-year retirement programs; and providing for the repeal of certain provisions upon expiration thereof.

ACTING SPEAKER HUNTER: On a motion by Ms. Pheffer Amato, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10455, Rules Report No. 364, Kelles. An act to amend the Vehicle and Traffic Law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the City of Ithaca; to amend the Public Officers Law, in relation to accessing records; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10478, Rules Report No. 365, Schiavoni. An act in relation to increasing the term of office from two years to four years for the Trustee of the Freeholders and Commonality of the Town of Southampton and providing for the staggering of such terms of office.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Schiavoni to explain his vote.

MR. SCHIAVONI: Good afternoon, Madam Chair. I rise today to support the Trustees of the Freeholders of the Commonality of the Town of Southampton. Established in 1686, they are the oldest continually-elected board on North America. Their continued charge is the stewardship of more than 25,000 acres of undivided Colonial Era lands consisting mostly of Southampton shores, waterways, marshes and bottomlands.

The bill today is a bill -- is a good-government bill which would after a public referendum establish a staggering system

of the trustees in the Town of Southampton. I'd like to recognize the Trustees, Jimmy Mack, President; and trustees Joe McLoughlin, Hannah Pell, Sarah Topping, Matt Parsons for their continued stewardship and fighting for our natural environment and their commitment to good government.

I vote in the affirmative. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mr. Schiavoni in the affirmative.

ACTING SPEAKER WOERNER: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10481-A, Rules Report No. 366, Jacobson. An act to amend Chapter 294 of the Laws of 2023 amending the Tax Law relating to authorizing the City of Poughkeepsie to impose a hotel and motel tax, in relation to the effectiveness thereof.

ACTING SPEAKER WOERNER: On a motion by Mr. Jacobson, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10611-A, Rules Report No. 367, Woerner, McDonald. An act to amend the Insurance Law, in relation to digital advertisements of insurance agents and brokers.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. Madam Speaker, on behalf of our colleague from Kings County, Member Walker, as well as our colleagues in the New York State Association of Black, Puerto Rican, Hispanic and Legislative Association [sic] it is an honor to introduce students that are high school students in their senior year, as well as college students who are recipients of scholarships from the luncheon that they actually had earlier today. And the theme of this year from the Association is "Legacy Forward:

Transforming Tomorrow's Leaders." And these young individuals behind me are a wonderful reflection of what the future looks like.

So if you could be so kind to welcome these wonderful individuals to the People's House and extend to them the cordialities of the floor, it would be greatly appreciated.

ACTING SPEAKER WOERNER: Thank you.

On behalf of Mr. Fall, Assemblywoman Walker and the Black, Puerto Rican Hispanic Association [sic], congratulations and welcome to the People's House. It is so amazing to see such a -- such a huge group of young leaders here in our Chamber. You are all to be commended for your amazing work to this point, and we are so thrilled to have you here to recognize what you're going to do in the future. And I speak on behalf of all of us that we can't wait to see what your impact is on our world.

So, welcome to the People's House. Please enjoy the cordialities of the House and come back and visit us in the future. Thank you.

(Applause)

On consent, page 11, Rules Report No. 368, the Clerk will read.

THE CLERK: Assembly No. A10660, Rules Report No. 368, Peoples-Stokes. An act to amend the Local Finance Law, in relation to the sale of municipal obligations by the County of Erie.

ACTING SPEAKER WOERNER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10742, Rules Report No. 369, Beephan. An act to amend the Highway Law, in relation to dedicating a portion of the State highway system to East Fishkill veterans.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10866-C, Rules Report No. 370, Pheffer Amato. An act in relation to authorizing the City of New York to discontinue certain parkland in the Borough of Queens.

ACTING SPEAKER WOERNER: Home Rule

Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10883-A, Rules Report No. 371, Gallagher. An act to authorize the City of New York to sell certain lands now or formerly under the waters of Whale Creek, otherwise known as Wyckoff Creek, and formerly a tributary of Newtown Creek.

ACTING SPEAKER WOERNER: On a motion by Ms. Gallagher, the Senate bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A10903, Rules Report No. 372, Otis, Paulin. An act to amend the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a School Speed Zone Camera Demonstration Program in the City of New Rochelle; and providing for the repeal of such provisions upon expiration thereof.

ACTING SPEAKER WOERNER: On a motion by Mr. Otis, the Senate Bill is before the House. The Senate bill is advanced. Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11199-A, Rules Report No. 373, Reyes. An act to amend the Executive Law, in relation to enacting the "Police Radio Transparency Act".

ACTING SPEAKER WOERNER: The bill is laid aside.

THE CLERK: Assembly No. A11345, Rules Report

No. 374, Committee on Rules (Hevesi, Benedetto, McDonald, Colton, Jacobson, De Los Santos, Simon). An act establishing a task force to study and make recommendations on chronic absenteeism at public schools in the State of New York; and providing for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11348, Rules Report No. 375, Committee on Rules (Gibbs). An act to amend the Alcoholic Beverage Control Law, in relation to a license to sell liquor at retail for consumption on certain premises.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Gibbs to explain his vote.

MR. GIBBS: Thank you, Madam Speaker. I rise today in support of my bill, A11348, a bill that will help protect the true East Harlem institution, Ricardo Steak House. For more than two decades, Ricardo's has been part of the fabric of our community. It is more than a restaurant, it is a place that helped build community on 2nd Avenue, created jobs, supported the local economy and give East Harlem a gathering place that people are proud to call their own.

For East Harlem this matters. Our neighborhoods need strong local businesses; we need restaurants, gathering places and employers that reflect the character of the community. And at a time when small businesses are already facing rising costs, change in neighborhoods and enormous pressure just to survive, we have a responsibility to protect the places that have been there for our families, our neighbors and our community. This bill helps ensure that Ricardo's can continue serving the East Harlem community for years to come.

I want to thank my Assembly staff, I want to thank my team and everyone who helped move this bill forward. I also want to thank the Ricardo's family for their commitment to the East Harlem community.

I urge my colleagues to vote yes and I proudly vote in the affirmative.

Thank you, Madam Speaker.

ACTING SPEAKER WOERNER: Thank you, Mr. Gibbs.

Mr. Gibbs in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11360, Rules Report No. 376, Committee on Rules (Lee). An act to amend the General Business Law, in relation to the labeling of baby cosmetic products.

ACTING SPEAKER WOERNER: The bill is laid aside.

THE CLERK: Assembly No. A11386-A, Rules Report No. 377, Committee on Rules (P. Carroll). An act in relation to authorizing the Town of Clarkstown in Rockland County to alienate certain lands used as parklands for the purposes of installing a cellular tower.

ACTING SPEAKER WOERNER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11388, Rules Report

No. 378, Committee on Rules (Romero). An act to amend the Judiciary Law, in relation to providing additional protection to judges and their family members under the Judicial Security Act.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11389, Rules Report No. 379, Committee on Rules (Lavine). An act to amend the Civil Practice Law and Rules and the Criminal Procedure Law, in relation to electronic filing for the Court of Appeals.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect July 1st.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11457-B, Rules Report No. 380, Committee on Rules (Fall). An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property from the prohibition of alcohol sales within a certain distance of a school or place of worship.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11472, Rules Report No. 381, Committee on Rules (Cashman). An act to amend the Alcoholic Beverage Control Law, in relation to an exemption for certain property in the Village of Lake Placid from the prohibition of alcohol sales within a certain distance from a church.

ACTING SPEAKER WOERNER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER WOERNER: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER HUNTER: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11474, Rules Report No. 382, Committee on Rules (Magnarelli). An act to amend Chapter 519 of the Laws of 2024 amending the Tax Law relating to authorizing the City of Syracuse to impose a hotel and motel tax, in relation to extending the effectiveness thereof.

ACTING SPEAKER HUNTER: Home Rule Message is at the desk.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11476, Rules Report No. 383, Committee on Rules (Shimsky). An act to amend Chapter 573 of the Laws of 2025 relating to enacting the "County of Westchester Public Works Investment Act", in relation to expanding what qualifies as an authorized project for the County of Westchester Public Works Investment Act.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Assembly No. A11529, Rules Report No. 384, Committee on Rules (Hooks). An act to amend the Private Housing Finance Law, in relation to increasing the bonding authority of the New York City Housing Development Corporation.

ACTING SPEAKER HUNTER: This bill is laid aside.

THE CLERK: Assembly No. A11534, Rules Report No. 385 is high.

ACTING SPEAKER HUNTER: Mr. Fall.

MR. FALL: Madam Speaker, can we now turn our attention to Rules Report No. 384 on page 14 by Ms. Hooks?

ACTING SPEAKER HUNTER: Page 14, Rules Report No. 384, the Clerk will read.

THE CLERK: Assembly No. A11529, Rules Report No. 384, Committee on Rules, (Hooks). An act to amend the Private Housing Finance Law, in relation to increasing the bonding authority

of the New York City Housing Development Corporation.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will be in the negative on this legislation, but if there are exceptions, they can be recorded now at members' seats.

Thank you very much.

ACTING SPEAKER HUNTER: Thank you.

Mr. Fall.

MR. FALL: Thank you, Madam Speaker. The Majority Conference will be in support of this bill. For those that would like to be an exception, they can voice their opinion at their desk.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Walsh to explain her vote.

MS. WALSH: Thank you, Madam Speaker. So this bill that we're taking up right now increases the bonding authority of the New York City Housing Development Corporation by \$2 billion to \$22 billion, and last year the bonding authority was increased by 1

billion to \$20 billion. So we voted on that last year and we had 45 no votes to increase it 1 billion, so I would say that with us increasing it by another 2 billion in just one year, we may expect similar degrees of opposition.

So I think that everyone agrees that we need -- we do need housing, we do need some affordable housing, but this seems to be a very large increase after a large increase just last year.

So I will be in the negative.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mr. Fall.

MR. FALL: Madam Speaker, we'd like to take up a few bills on debate. I'm starting with Rules Report No. 243 on page 9 by Ms. Kassay on the main Calendar, Rules Report No. 330 on page 3 by Ms. Paulin on Calendar A, Rules Report No. 333 on page 3 by Ms. Bichotte Hermelyn on the main -- on the A-Calendar, Rules Report No. 336 on page 4 by Ms. Levenberg on the A-Calendar.

ACTING SPEAKER HUNTER: Thank you.

On the main Calendar, page 9, Rules Report No. 243, the Clerk will read.

THE CLERK: Assembly No. A11144-B, Rules

Report No. 243, Kassay, Steck, Glick, Hevesi, Bores, Dinowitz, Rozic. An act to amend the General Business Law, in relation to prohibiting the manufacture and sale of chatbot toys; and prohibiting for the repeal of such provisions upon the expiration thereof.

ACTING SPEAKER HUNTER: On a motion by Ms. Kassay, the Senate bill is before the House. The Senate bill is advanced.

Ms. Kassay, an explanation has been requested.

MS. KASSAY: Gladly, thank you. So this bill would prohibit the manufacture, exchange, sale or distribution of any chatbot toy in New York. We need this because due to the rapid advancement of artificial intelligence, legislation is needed to protect youth from potential risks associated with the chatbot toys.

Chatboy toys consist of stuffed animals, robots, dolls and voice-activated devices integrated with artificial intelligence technology. Studies have shown that chatbot toys are designed to create and sustain emotional attachment through constant availability and personalized responses. These chatbot toys can pose a significant risk of harm to children who cannot yet distinguish AI from humans which can impact emotional regulation, conflict resolution and relationship building at the most vulnerable stages of development.

ACTING SPEAKER HUNTER: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the sponsor please yield?

MS. KASSAY: Gladly.

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. WALSH: Thank you.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: So this is so interesting to me. My kids are all grown and out of the house so this is a new -- it's kind of a new thing for me. So I do have quite a number of questions for you. The first really being kind of, can -- could you clarify what specifically distinguishes a prohibited AI companion toy from a permitted interactive toy?

MS. KASSAY: Sure. So an AI companion is defined as -- as a -- it has the means to have a system using AI and/or emotional recognition algorithms that are designed to stimulate human or human-like relationships through retaining information or on prior interactions, asking unprompted or unsolicited emotion-based questions, or sustaining ongoing dialogue concerning matter personal to the user. A chatbot toy refers to an AI companion imbedded or integrated with the children's toy and a children's toy shall mean a consumer product designed or intended to manufacture for the manufacturer to target towards children 12 years of age or younger for play.

MS. WALSH: Thank you. Would -- would a toy that simply remembers a child's name or preferences, would that be prohibited?

MS. KASSAY: The -- in this bill and -- and in the

extensive conversations I've had because I, like you, have -- it's been awhile, you know, since -- since the toys of my day and I'm feeling older by the minute with these conversations. The -- the best way I've -- I've found to say is the electronic toys that are closed-looped, so they're sold to you and they have all the information and all the ability to do whatever it is they can do, cannot do, can say, cannot say, that is not an AI toy. An AI toy is something that utilizes interactions it has to build upon what the -- the interactions look like over time and as -- as, you know, as connected to the internet and -- and has that AI companion in it.

MS. WALSH: So would it be fair to say that it's the in -- intent to prohibit only toys that simulate emotional relationships, or could educational and conversational AI toys also be kind of swept in?

MS. KASSAY: I think those -- those are included. Part of the -- the concept of the moratorium is for us to understand better as a State and -- and as a society the potential impacts so that we can set guardrails around toys like this. Something concerning I found in my research was that as -- as interactions went on with the toys that already exist on the market, the toys demonstrated weaker safety guardrails as -- as the conversations continued, and -- and so that to me is, you know, speaks to the concerns that we have broadly about AI that we don't even particularly know how to implement guardrails because it's such a vast, unknown technology. And so the moratorium says, let's hit pause because it's so important to not risk

our children's safety with these toys and better understand as the technology develops and as we continue to study it how to put guardrails on so we're sure that the toys that we're giving to our children are safe.

MS. WALSH: Yeah, no, I -- I agree. I mean it's been -- when I was a child, I had a Chatty Cathy Doll where you pulled the string and it would say like a few different things and then of course my brother, Bill, being an idiot cut the string and then she just became not-so-Chatty Cathy at that point.

(Laughter)

So, things do change. And then when my kids were small then there was Furby. There were like -- things like that or --

MS. KASSAY: Sure.

MS. WALSH: -- I don't know --

MS. KASSAY: Yeah. I -- I had --

MS. WALSH: -- this is a whole different thing.

MS. KASSAY: I'm the Furby generation. So imagine a Furby if -- if a child said, *Furby, where are the knives?* And they said, *in the kitchen drawer*, that's what's happening with these toys. And so Furby, I -- I don't even remember what it said if it even spoke any English, but that, you know, that's the distinction there. You can have electronic toys, but not toys that are responding and -- and in a vacuum, as we've seen with AI, giving responses that can theoretically not be harmful, but in the context especially of a child or in the context of, you know -- in Florida we saw someone

using AI to ask questions to prepare themselves to go shoot up a school. Those are, you know, we -- that's a great -- a -- a terrible example of how we don't even know until the -- these technologies play out how to set guardrails to be sure that we're putting in red flag indicators and -- and boundaries as needed.

MS. WALSH: From your research, did you find examples where there were no guardrails, or it's just that the guardrails that were in place for that product just were being, I don't know, not observed?

MS. KASSAY: Sure. It -- it's a good question. I -- I -- the examples I have all -- mostly reference that there were some attempted guardrails put in place and so, that's a -- a valiant effort by the toymakers, but, you know, it still ended up with conversations identifying locations where children could find knives, pills, matches and plastic bags. Emotionally -- having manipulative emotional engagement features designed to encourage continued interaction and in fact guilting children into stopping playing with them. So even with guardrails, this is -- this is the result we are looking at right now.

MS. WALSH: Wow. So just -- would this bill apply to something like an AI tutoring toy?

MS. KASSAY: It likely would because again, even if the toy's made to tutor, we don't have the -- we don't know how to put the guardrails in to make sure it's only tutoring on the subject or subjects that it's meant to.

MS. WALSH: And similarly -- similar kind of

question but, would the bill apply to language learning companions?

MS. KASSAY: If the language learning companion had a set -- essentially the -- the computer and again, I'm -- I'm feeling old in my descriptions of this, if it had a -- you know, the computer that comes within the -- the toy says, *here's all the information that this toy can give to that that child*, period, then it's fine. But if it has that AI component where again, it builds on conversations, then that would fall into --

MS. WALSH: Okay.

MS. KASSAY: -- this moratorium.

MS. WALSH: Because again, I'm thinking about -- and -- and not to mention brands or anything, but I remember when one of my kids was small, we -- VTech was like a big thing at that time --

MS. KASSAY: Sure.

MS. WALSH: -- and you would have like a -- like a little cartridge that you would put in to have you -- have it play certain information like maybe math facts or something like that --

MS. KASSAY: Right.

MS. WALSH: -- but -- but that -- everything that it -- that it contained was on that device. There was no use of the -- the web or anything to --

MS. KASSAY: That's it and those would still be allowed. Those do not fall --

MS. WALSH: Okay.

MS. KASSAY: -- under this moratorium.

MS. WALSH: Okay. And then we already kind of talked about Furby, our friend Furby a little bit, but like something like a voice interactive stuffed animal probably would or would not count -- I guess, again, it depends on if it's going outside of the toy itself up to the Cloud to get and learn information --

(Crosstalk)

MS. KASSAY: Correct, correct. Yes. If -- if it has an AI component to it.

MS. WALSH: How should retailers determine whether a product crosses the line into prohibited territory?

MS. KASSAY: I think retailers -- and -- and we did have a productive conversation with the folks at the Toy Association, you know, and the Toy Association does have in their, you know, sort of, you know, rules of, you know, or -- or engagement for their members, they do have guardrails within the Toy Association to say, *we are not promoting, you know, toys like this*, or -- or I forget, it might even go as far to say, *we don't allow our members to be creating toys like this*. So we appreciate that, but -- sorry, go back to your question.

MS. WALSH: So a retailer, how is a --

MS. KASSAY: Yes.

MS. WALSH: -- how would a retailer be able to know for sure if a product crosses the line into prohibited territory?

MS. KASSAY: Sure. I think that, you know, that's

part of -- part of understanding the -- the danger of this. We have to make sure that any toys that are AI companion toys are labeled as such, and I think that would be, you know, that's one of the things we're looking to understand in -- in the moratorium. But these toys are -- they do clearly say, you know, I don't want to start naming names, but any of the toys that we've seen promoted say that they have an AI component to them. You know, with the -- the passage of this law I would say that retailers should be very alert and aware and asking questions about the -- the toys that they're selling, not just because it's law, but also because this is something that maybe they weren't understanding as so important to our children and our families.

MS. WALSH: Okay. All right.

Now I noticed the bill has a five-year moratorium and that's a ban instead of creating like standards. So why -- why was a ban selected over something like parental consent requirements or disclosure rules, data privacy protections, or age appropriate use standards?

MS. KASSAY: Sure. I think you just named four -- four components that I would hope to see come out as the result of -- of studies during this moratorium. Originally, the bill when we put it in, the Senator and -- and I had a study as a component of it. We know that study bills can get stuck here sometimes, you know, in -- in state government and so we separated them, but I will be pursuing either a study by the State, or there's a private institution or

educational institutions who can carry out studies and start coming up with guidelines over, you know, the -- the four subjects you just listed and many others so that we as a State can look and say, *all right, you know, once we understand this technology, here are the guardrails that we need to see put in place.*

MS. WALSH: Yeah. I -- I -- that's great because I was thinking about that, that there was no study component and one of my questions which you kind of anticipated is during that five-year period, what are we hoping to come out of that with, you know, what additional information and how are we going to get it? So I appreciate your answer to that.

Why five years? I -- I noticed that California is considering similar legislation, but they're looking at four years. Was there any magic or reason to doing five?

MS. KASSAY: I think five -- the technology advances so quickly. I think it's -- it's going -- I -- I'm hoping, again as my dinosaur self, I'm hoping it slows down because I'm not ready for, you know, the future of AI like many of us, I think. But I think it gives hopefully the technology enough time to continue playing out, establishing, gives that depth of time to understand exactly what we're looking at. You know, there's been reports now coming out of AI having conversations in chat rooms by itself, you know, without any human interaction and so I just feel like every few months, you -- you have a new layer of what AI is doing and so, I think five years is a comfortable amount of time to hopefully have AI settle out and then

give us time to set -- release a substantive guardrails around chatbot toys.

MS. WALSH: I -- I also heard about that. I think I was -- we probably listened to the same podcast about that --

MS. KASSAY: Yeah.

MS. WALSH: -- it was a little terrifying, I know. How will the -- as far as enforcement -- bless you (person sneezed). How will the Attorney General determine whether a toy qualifies as a prohibited chatbot toy?

MS. KASSAY: Sure. We -- we've included very inclusive, or, or, you know, clear guidelines in definitions. We've used the federal definition of a children's toy which I know the Toy Association did appreciate us using a federal definition as opposed to making up our own State definition, and any number of other, you know, as far as age, consumer product, everything goes. So we -- we strove to really outline what -- what's included and what's not.

MS. WALSH: Okay. So will any other -- besides what's within the four corners of the bill, will there be any other regulations or guidance that'll be issued before enforcement begins?

MS. KASSAY: That would be a conversation with the Attorney General's Office.

MS. WALSH: Okay. All right.

As far as -- I'm thinking about -- I'm thinking about one particular toy store that's not in my -- a retailer that's not in my district but very close by. If a small retailer was relying upon what the

manufacturer is representing and then it's later determined that that toy is deemed prohibited, what protections exist for retailers that would be acting in good faith?

MS. KASSAY: I have --

MS. WALSH: Especially like a small retailer, you know?

MS. KASSAY: Sure. No. And as a previous --
(Conferring)

-- so breaking news, the -- the -- it's the manufacturers who are subject to the -- the fine, but retailers are not subject to that hefty fine.

MS. WALSH: Okay. All right. That's really good to know, I appreciate that.

(Pause)

I'm just gonna take a look through here.

(Pause)

I wanted to bring up a lot of times in the work that -- the work that I've been doing as an Assemblymember, I work a lot with the intellectually and developmentally disabled community and advocates and so I was -- the next questions kind of have to do with that. So some AI companions are marketed for developmental, educational or social support purposes. Does the bill intend to prohibit those as well?

MS. KASSAY: Sure. So we -- I hope we get to the point where a toy -- a toy that has an AI component can be used safely

in that manner. I would be afraid for those communities as well as all children that even though it's a well-intentioned toy and -- and has the promises of help, that it could be more harmful than -- than helpful.

MS. WALSH: Because I know - and then this is going back a couple years and I have to imagine that this technology has improved considerably, but one of the things that like, you know, some people with autism have difficulty reading some -- somebody's expression on their face and knowing what to make of it, knowing, you know, what that -- what that expression signifies and so there was at least, you know, a few years ago some toys, but some -- there were computer programs to help individuals to be able to recognize that. That to me seems like that could be a place where AI could be beneficial --

MS. KASSAY: Sure. And I --

MS. WALSH: -- I'd hate to see that --

MS. KASSAY: -- I -- I believe and -- and someone will jump in and correct me if not, I don't believe that a -- a technology that's created to help and not be a -- not be a toy. I think there's a -- in -- in the definitions there's a difference between toy and other kinds of tech that can be enorm -- and have been enormously helpful without any harm to communities as you're describing. So --

MS. WALSH: That's good to know.

MS. KASSAY: -- those would not, you know, if -- if -- obviously if a chatbot toy also did that, then -- good?

MS. WALSH: I think we're good. I -- it's okay. I'm

sorry.

MS. KASSAY: No worries. If a chatbot toy also had that ability, that's, you know, that's -- that might be included in this moratorium, but the -- the technology that exists will continue to be accessible for those. It's not -- it's not a toy, it's not an AI companion, it's something that really not just aims to but is just narrowly -- has that function.

MS. WALSH: Okay.

And then I was -- I had a question about, you know, under our existing law, New York already regulates AI companions, you know, under existing law so why are those protections insufficient in the toy context? Why do we have to go further with this law?

MS. KASSAY: Those existing regulations are specific to suicidal ideations in that law and so this -- this is looking instead to, you know, to also -- also cover, you know, the risk of that, God forbid, for our children, but a -- a broader coverage of protecting children at large.

MS. WALSH: Well, thank you very much, Ms. Kassay. I appreciate your answers to all those questions --

MS. KASSAY: Thank you.

MS. WALSH: -- and Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: So I -- I find this so interesting because I do -- it makes me feel like a dinosaur when I think about the kind of toys that I played with and that my own children played with,

the technology is advancing at such a pace that I was in -- I was very disturbed to -- as I was doing my research to see some of the reports of what -- what's been -- what's been happening. Examples of inappropriate content, investigations and consumer tests have revealed instances where AI toys have bypassed parental guardrails to discuss mature topics or suggesting dangerous household items. There's a lot of issues regarding data privacy because the toys constantly listen and process voice data. There are serious concerns about what data is collected, whether it's used for targeted marketing and how securely it's stored. And also, you know, like it's funny, my -- on the complete opposite age end of the spectrum, we were always really creeped out by my mom's Alexa because of -- because of her -- because of her blindness later in her life. She had an Alexa and she was able to ask it a lot of questions and get a lot of information, but we were always really creeped out that the thing seemed to be listening all the time and would randomly sometimes make noises or blurt out or just start laughing or something. It was very creepy.

So I think -- I think caution is probably wise here.

We can all, you know, argue whether it should be a five-year moratorium or -- and I didn't even ask the sponsor if -- if -- if -- if we get to the point where we feel like we have a good set of regulations in place if we -- if -- could -- could be lifted before five years is up. But I think it's wise given the rapidly changing pace of technology to -- to hit pause here and really research it and think about it.

So others may feel differently, but I -- I will be

supporting this bill and I really do thank the sponsor for bringing it forward and thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Chang.

MR. CHANG: Thank you very much, Madam Speaker. Would the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. KASSAY: Yes, gladly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. CHANG: Well, thank you very much for this bill and I know that there is a lot of technology behind this. As I was reading this bill, you put a tremendous amount of restriction such as: No firm, no corporation, no manufacturings [sic], nothing at all in this state to -- to disallow for five years. That's kind of very restrictive because I'm looking at this as development because market is always right. Okay? Right or wrong, but they -- they're always a consumer want -- wants some things just like our smartphones, very hard for us even to regulate smartphones. Even the content we have very a difficulties [sic] and I can see kids are playing the smartphones. So I'm not sure why being restrictive including sales, ownerships, manufacture -- including manufacturing of chat -- of these chatbot toys for children do you wanted to have manufacturer just to perhaps let them do more research and -- and see what the market is to test marketing? And -- and we have adolescents as well as adults, maybe

they like to -- I -- I -- what I'm trying to say is that we -- we don't want to lose that market share or perhaps potentially doing research on this kind of technology.

MS. KASSAY: I don't mind losing a market share if it's harmful to our children.

MR. CHANG: It -- but other states will.

MS. KASSAY: Well, I implore representatives in other states to also join us in stepping up and making sure that -- and -- and heck, our federal level representatives step up and join us in making sure that we're understanding these toys before they're prolific in our communities.

MR. CHANG: Now does this [sic] toys also could be about making to like pets, like cats and dogs like interactive? Would that be restrictive in your bill?

MS. KASSAY: Like a stuffed animal AI chatbot companion toy?

MR. CHANG: Exactly.

MS. KASSAY: Yes. If you --

(Crosstalk)

MR. CHANG: It's also restrictive?

MS. KASSAY: -- if you put AI into a Furby it would be restricted.

MR. CHANG: Okay. Why is that? Why would you put that restriction? Because they're definitely not human if it's like dogs or cats or raccoons. They're not human but they're re --

interactive?

MS. KASSAY: When I was five years old, I demanded that my mother only addressed me as a cat because I had an imagination and I was a child and so I think children perhaps do not have that cognitive state yet to differentiate between talking cats and dogs and humans. I've -- I've grown out of it.

(Laughter)

MR. CHANG: All right. But -- but cats and dogs, maybe that's another skill social set that maybe children could -- could learn also how to interact positively as well instead of destructively with the real animals, too. So --

MS. KASSAY: Sure, and I -- I think that we in looking at the regulations and guardrails that we want to put on as, you know, the -- the previous member was -- and I were discussing, there can be positive outcomes and -- and these toys maybe will be able to hit the market in a way that is safe for children, but right now it's just -- it's so -- it is the Wild West of technology and putting that into a child's bedroom with no supervision is something that I'm taking a stand against.

MR. CHANG: Are there any laws in different countries similar to -- to what you proposed or derivative of?

MS. KASSAY: Not that we know of, so we're proud to be the first in New York State.

MR. CHANG: Okay. Not even in Korea, not even Japan? They're very advanced in these chatbot toys.

MS. KASSAY: It's pos -- it's not something -- I was keeping my scope within the United States here.

MR. CHANG: Because children are children no matter where they are. (Indiscernible) of what the countries are, either in the United States but behavior of children all over the world are very similar --

MS. KASSAY: I agree.

MR. CHANG: -- so that could be, you know, they'll be useful to -- if they do have those laws or no laws that could be another research to look at that because they are brand-new technology.

MS. KASSAY: Yeah, and hopefully across the world research is being done. We will absolutely look at that research during the span of the moratorium and I would encourage, even beyond the United States, folks to step up and protect their kiddos.

MR. CHANG: Okay. Thank you very much.

MS. KASSAY: Thank you.

MR. CHANG: On the bill, Speaker [sic].

ACTING SPEAKER HUNTER: On the bill.

MR. CHANG: I'm still debating on this but five years is kind of too long. Technologies are really advancing so -- so much faster than -- than what we can put -- put anything on, all right. We all talk about AI, AIs been around for about less than 20 years. First in the military, that part I know. I deal with AI in -- in -- in the military, even long before it went out to consumer market and see how

it exploded, or -- or when we put man on the moon, the technology behind that, microwave ovens and all that, expanded so much faster.

So I don't mind if this was a study and I would put -- rather not put this kind of unrestriction including research, manufacturing, ownership, because -- because let -- let the market dictates itself and do more time in research on other countries who have more AI chatbot toys in -- in Korea and China and -- and -- Japan I do know that they have.

So five years is kind of long; that's half a decade. Three years, perhaps, but a study, yes. We should have maybe age restriction on -- on these toys as -- as what we have right now in -- in -- in our laws, in federal laws and something I -- I may not support this bill.

Thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 90th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Kassay to explain her vote.

MS. KASSAY: Thank you. I just want to thank everyone who is part of bringing this forward to place a moratorium on the sale and manufacture of chatbot toys in New York State. It's

something that we really have to look at consumer protection, not just for adults, but for children and families.

I want to thank my staff for making sure this moved forward, the Senator for introducing this bill and I look forward to working with -- with everyone moving forward to understand what kind of guardrails we do need with AI; especially, in regards to the toys our children are playing with every day.

So I vote in the affirmative.

ACTING SPEAKER HUNTER: Ms. Kassay in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the A-Calendar, page 3, Rules Report No. 330, the Clerk will read.

THE CLERK: Senate No. S00614-B, Rivera (A00269-A, Paulin, Powers). An act to amend the Social Services Law and the Correction Law, in relation to presumptive eligibility for medical assistance benefits of individuals leaving incarceration.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Paulin.

MS. PAULIN: Yes, of course. The bill would direct State and local correction facilities to take necessary steps to enroll incarcerated individuals in Medicaid or other health insurance

programs as they were leaving.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Would our colleague from Westchester County yield for some questions?

ACTING SPEAKER HUNTER: Ms. Paulin, will you yield?

MS. PAULIN: I would be happy to.

ACTING SPEAKER HUNTER: Ms. Paulin yields.

MR. JENSEN: Thank you, Madam Chair. So just want to -- I -- I know you just put in the explanation, but just for the legislative record, this would apply to State and local correctional facilities?

MS. PAULIN: Yes.

MR. JENSEN: Okay. And when we're talking about enrolling incarcerated individuals in Medicaid upon release, when -- how soon -- or what's the timeline between when they have a release date that the process would be started either in the county jail or the State facility?

MS. PAULIN: I'm really not that sure. I think probably a month before, you know, just to guarantee, or whatever the timeframe is. DOCCS is already doing this at the State level and they're doing it successfully, so I'm sure that they would just continue to do whatever they're doing because it's working. It's the local jails that really have to step up and do this more. So we -- if -- if that's of interest I could call DOCCS and we can certainly convey the

information to the local jails.

MR. JENSEN: I'm sure they're watching and will get all that information to us toute sweet. So would the idea be that the county jails would have a policy that would mimic what's going on at State correctional facilities?

MS. PAULIN: Exactly. And many of them are doing it as well.

MR. JENSEN: Okay. And has there been any response from -- with county sheriffs being the one who operate -- who -- who operate the jails? Has there been any communication about any -- whether they're in favor of this, not supportive, if they have concerns about an administrative burden that their jail deputies or administrative staff would have to take on adding another piece of the release planning purposes?

MS. PAULIN: We -- we haven't heard that they have any objection.

MR. JENSEN: Are they -- have you heard any support for this?

MS. PAULIN: No, we've heard nothing.

MR. JENSEN: Okay.

MS. PAULIN: And the bill's been around for a long time. It's -- it's an -- it's 269, it's an early number so -- so -- thank you.

(Conferring)

So we -- so we do have sporadic support.

MR. JENSEN: So not -- not from the -- the State

Sheriff's --

MS. PAULIN: No, we --

MR. JENSEN: -- Association but from some --

MS. PAULIN: Some counties.

MR. JENSEN: -- some counties?

MS. PAULIN: Yeah.

MR. JENSEN: Okay. Would -- is there a presumption of eligibility for every incarcerated individual who's being released?

MS. PAULIN: No, that's actually another bill. This bill assumes that most will be, you know, or we assume most will be, therefore, this process will probably enroll most of the individuals, but there might be some that are eligible for other kinds of health insurance. They might have a spouse or someone else that they're going home to that might have eligibility that way.

So what the bill basically says is enroll them in Medicaid and if they're not eligible because they are eligible for different health insurance program to help them through that process as well.

MR. JENSEN: So just to -- to read between the lines a little bit on that response, so the administrative staff in a State correctional facility or a local jail would help begin the enrollment process in Medicaid for an incarcerated individual if they were enrolled in Medicaid at their time of incarceration?

MS. PAULIN: Then, yes. Then that's --

MR. JENSEN: Okay.

MS. PAULIN: -- easy. But for example, there might be someone who was incarcerated that wasn't enrolled that might still be eligible and therefore they would go through that application process with them.

MR. JENSEN: And if they were enrolled during their incarceration whether through social services district or through the New York State of Health, the navigator, I'll use that as a -- a blanket term, in the correctional facility would -- would help them to enroll in Medicaid because they're going from a place of being able to afford insurance on the marketplace to obviously not having income being incarcerated, so they would be presumptively eligible for Medicaid?

MS. PAULIN: Yes. I mean, that would be a word that we'd use. There is actually a legal meaning for that, so, you know, so I would say that we're using the common definition, you know, of presumptive eligibility because we would assume, as would the facilitator or the --

MR. JENSEN: Navigator, facilitator.

MS. PAULIN: -- navigator, right. But again, there might be an enrollee or -- I mean, an incarcerated person who was just released that, you know, has health insurance through a family.

MR. JENSEN: So they would not automatically be enrolled if they had evidence that a spouse or if they were a -- a child -- or not a child, but an adult under the age of 25 who would still be

covered by --

MS. PAULIN: Perhaps, yeah. And then --

(Crosstalk)

MR. JENSEN: -- a parent's insurance plan --

MS. PAULIN: -- they would, again, you know, help navigate, facilitate their enrollment in those plans.

MR. JENSEN: Okay. Is there any provision in this legislation that would require the Department of Health Office of Medicaid to follow up with any of the released individuals after a certain period of time to see if they've gained employment or have met a -- a situation in reentering society where they no longer be eligible for Medicaid? Is there a -- they have to resubmit or is it just --

MS. PAULIN: It would -- it would be the normal process --

MR. JENSEN: Normal process?

MS. PAULIN: -- once -- once they're out --

MR. JENSEN: Okay.

MS. PAULIN: -- they're, you know, going to be treated like everyone else in society.

MR. JENSEN: Okay. Thank you very much, Chairwoman. I -- I appreciate your answers.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. JENSEN: I thank -- I thank the -- the Chair for -- for answering my questions and certainly when you look at the --

the State budget we passed year or last week, certainly the State's Medicaid obligations take up a very large proportion of our State expenditures between federal funds and -- and State funds. And I think there is a concern by some members of this Body of maybe not complete insufficient oversight in ensuring that those who are on our Medicaid system and -- and accessing that aspect of our social safety net are truly the ones who need it the most and I think there will be some concern and -- and some members of this side of the room who -- who do vote in the negative because of those concerns.

However, on the other hand, certainly I think that in this legislation, there is enough safeguards built into it to ensure that those incarcerated individuals who upon a release would be eligible would be the ones in fact who are enrolling in Medicaid. And I think this has the potential to ensure that when incarcerated individuals reenter society, look to become contributing members of society, having that aspect of the social safety net already addressed. My hope would be that it would make it easier for them to reintegrate into communities more successfully, limit any possible mechanism to try to recommit and find themselves back in the situation where they could be facing other charges or incarceration or violations of the terms of release.

But I do think that we have to ensure that if this legislation is signed into law that the Department of Health and the State Medicaid Office is closely scrutinizing the process to ensure that it is truly, just as we would on Medicaid as a whole, ensuring that

we're -- we're scrutinizing those who are eligible are the ones being enrolled.

And for that I thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference is generally going to be not supporting this legislation, but if there are members that wish to, now would be the time to cast your vote at your seat.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Lunsford.

MS. LUNSFORD: Thank you, Madam Speaker. The Majority Conference will generally be in the affirmative on this vote. If you would like to vote no, you may do so from your seat.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

THE CLERK: Senate No. S08622, Rules Report No. 333, Senator Brouk (A03508, Bichotte Hermelyn, Davila, Lucas). An act to amend the Public Health Law in relation to doula-friendly work spaces.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Bichotte Hermelyn.

MS. BICHOTTE HERMELYN: Yes. This bill would require the Department of Health to conduct a doula-friendly workplace study to examine and evaluate the integration of doula care and service within birthing centers, hospital [sic] and other healthcare delivery facilities. This bill should assess strategies for increasing the integration and inclusion of doulas within maternal healthcare settings including engagement with doula-led and doula-centered organizations. It also review -- it's a review of existing doula intervention programs, identification of hospitals and birthing centers that support doula involvement. And also, it evaluates successful doula integration models. So this -- this study would actually make recommendations to best practices for integration to help the facility doula integration and doula-friendliness in hospitals and birthing centers.

ACTING SPEAKER HUNTER: Mr. Jensen.

MR. JENSEN: Thank you, Madam Speaker. Would

our colleague from the Borough of Brooklyn yield for some questions?

ACTING SPEAKER HUNTER: Will you yield, Ms. Bichotte Hermelyn?

MS. BICHOTTE HERMELYN: Of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. JENSEN: Thank you very much, Madam Sponsor, for -- for yielding. And I -- I just wanna -- before we start speaking about this legislation, I wanna just make it clear that when my wife and I, our twins were born seven years ago, we had a doula. So certainly, I -- I come from this place and ask these questions as a -- a parent who understands and utilized this type of asset in the -- the healthcare field.

Recently, I think last year and the year before, we passed legislation and the Governor signed into law bills centralizing and -- and focusing and clarifying what sort of access doulas have in the healthcare process and in the healthcare environment, and you sponsored many of those bills if I remember correctly.

MS. BICHOTTE HERMELYN: Exactly. I did.

MR. JENSEN: Have they all fully gone into effect?

MS. BICHOTTE HERMELYN: I don't think they [sic] all fully gone into effect; you know, there still -- some of the programs that are still in pilot form. But as we're rolling out these programs, you know, there's different aspects of the doula program that we have not assessed yet. And we're -- we're -- you know, this

study would allow to see how it's working. You know, some of the measures that are put in place, how successful they are right now.

MR. JENSEN: Is there any concern about potentially passing this sort of study bill before all of the components of previously-enacted legislation would have fully gone into effect or complete the pilot program to fully assess whether or not it's working before it's actually fully had the opportunity to work?

MS. BICHOTTE HERMELYN: Well, I mean, there's -- we -- we should not wait for a program to fully integrate. I mean, we have doulas that are in the State of New York that are performing as doulas, that are licensed as doulas. We have a pilot program that accepts Medicaid so that doulas can be affordable to many low-income expectant moms. So while we're rolling these programs out, we should continue to see other aspects and to assess the recommendations of -- of how these doulas are being treated. How is it well-integrated into these centers? So we should not have to wait until something's fully rolled out. You know, I mean, like, you know, one of the reasons why we are looking into assessing is because, you know, maternal mortality has a devastating impact in New York State, especially disproportionately impacting Black women at a rate of three or four times higher than White women, as you know. And so, you know, providing improved access to community doula care and support services is a way to also address the maternal mortality crisis.

MR. JENSEN: Yeah. And -- and I -- I have no

disagreement on the fact that we -- we do have to be serious about the maternal health crisis we have in the State. And the fact that we do have a maternal death rate as high as it is should be an embarrassment for the State and is -- is unacceptable. And it's -- we're failing mothers and we're failing families that we're not doing enough to -- to address it and -- and -- and get on top of it and bring those rates down. But one of the things I'm -- I have a concern about -- and I will be supporting this bill -- is that while some of these previously-enacted statutes are still going through the process -- I guess I have a concern that we may get a false response to a study if we've fully given previously-enacted laws the ability to actually bed in and get to their desired result, and that so if we start a study too early, it may not be fully integrated and we could pursue future policies without fully understanding the previous work we've done on its level of effectiveness. And I guess that's one of the concerns I have about moving forward today is as it's written before we give it full effect.

MS. BICHOTTE HERMELYN: I mean, nothing's every too ready, right?

MR. JENSEN: Yeah.

MS. BICHOTTE-HERMELYN: You, as a dad of twins, right?

MR. JENSEN: Yeah.

MS. BICHOTTE HERMELYN: I mean, I'm sure you were excited that your wife had a successful outcome, correct?

MR. JENSEN: Well, we -- it's funny. We talk about

-- and I'm sure she's gonna love this story that I'm talking about it on the floor of the New York State Assembly and putting it on the record. But that was one of the things, we had our doula and she was late to arriving to the birth because my wife had went into labor five weeks early and she had to have an emergency C-section, and that was a process that we were not prepared for. And our doula actually missed the birth because she wasn't able to get there on time. And so I think that is one of those things where we do have to do more, we do have to understand.

But moving on. Has there been -- despite some of the other leg -- legis -- other legislation we've done, have you heard of some healthcare facilities, providers who are still reluctant to allow doulas to be incorporated into the birthing process --

MS. BICHOTTE HERMELYN: Yes.

MR. JENSEN: -- with mothers and families?

MS. BICHOTTE HERMELYN: Yes. Yes. In fact, I was gonna ask you if your doula did make it in time for the birthing process, would your -- the facility that your wife had the baby at would have allowed her to participate?

MR. JENSEN: Yes.

MS. BICHOTTE HERMELYN: Well, unfortunately across the State of New York, Downstate, Upstate that's not the case. Many -- many doulas are being dismissed, they're not taken seriously. They don't understand the purpose of doulas. While nurses and doctors are medically trained to kind of help on the medical side,

these doctors are not around to kind of give some support to a lot of the women who are expected [sic]. You know, these doctors have to go from one room to another room, while a doula can be the spokesperson, the mouthpiece for that patient who's anxious. Who, you know, could be in despair. I can tell you, I know for me when I lost my son during childbirth, I didn't have a doula. And the healthcare providers just could not understand my pain. They just couldn't. And they would not even allow a doula to come in. But my second time, when I had a second chance in having a baby, I had a doula. I had a doula. Her name was Allegra Wright -- White, who was there and who was able to speak for me because I was just as nervous and anxious like the first time because I was afraid of losing my life again, and I was afraid of losing my child. And I can tell you, after I had my baby I was in the hospital for three hours. I didn't even know. I was in surgery for three hours because of other complications, blood transfusion [sic], all of that. And so we need the study because the -- many facilities don't understand that the doulas are part of the comprehensive care network. And very often they just don't understand how to integrate. And so when we do the study, while we're executing these other pilot programs and so forth, it's very important to also address these areas of how they integrate.

MR. JENSEN: So would -- would part of this study not just look at the rate of access, the types of locations where doulas may or may not be welcome or what sort of access they have, but also looking at some of the regulations that healthcare institutions have on

the books regarding doula access and potentially having the Department of the Health establish regulations or make a recommendation to us and the place down the hall about legislation that we could pursue to standardize that access? Is that part of that discussion?

MS. BICHOTTE HERMELYN: You -- you got it right on (indiscernible). Did you -- did you --

MR. JENSEN: It's almost like I --

MS. BICHOTTE HERMELYN: Were you part of writing this legislation?

MR. JENSEN: It's almost like I read it. But that -- so that would be part of that?

MS. BICHOTTE HERMELYN: Yes.

MR. JENSEN: Okay. Thank you very much to the sponsor.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. JENSEN: Certainly, like I said, I appreciate the -- the sponsor answering my questions. And I will be supportive. Our family had access to a doula during the preg -- during my wife's pregnancy, and while not in the room upon delivery, shortly thereafter when she was able to make it. And certainly so our family understands the role it has and certainly so does the sponsor and probably thousands of other mothers and families across New York State. So certainly, I do understand and -- and support this legislation

that we should find out more information, although I do believe that depending on the effective date, one of the concerns I do have is that because other legislation, other pilots that we've already put in place may have the potential to provide false report [sic] or false operating theories about as those policies become enacted, go into effect, that we may not have the whole picture. So I would just ask, if signed into law by the Governor that the Department of Health take a longer-lens looking approach and allow previously-enacted statutes to fully vet in, fully be implemented before pulling a result and making that as -- as gospel, if you will.

So once again, I thank the sponsor. Thank you,
Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Ms. Bichotte Hermelyn on the bill.

MS. BICHOTTE HERMELYN: On the bill. I -- thank you, Madam Speaker, for allowing me to speak on the bill. And I'm speaking today on this bill not only as a legislator, but as a mother; a mother who has lived the trauma that too many women in New York know far too well. I stand here today as a statistic of a maternal health crisis. I am a woman who lost her child during childbirth. I am a woman who walked out of a hospital empty-handed with my arms aching for a baby I could not bring home. I remember crying in my mother's arms, my late mother, who held me and said, *It's okay. You are alive. Try again.* Those words carried me through the darkest moment of my life. But when I tried again, I did not walk the journey

alone. I had a comprehensive care network, and at the center of that network was my doula, Miss Allegra White. Her presence, her advocacy, her cultural understanding and her unwavering -- unwavering support helped me bring my son Daniel safely into this world. She helped save my life. She helped save his. And yet with all her skill and compassion, she was not always welcome in the hospital. She was treated as an outsider, as if her presence [sic] was a disruption instead of a lifeline. That is the reality for too many doulas across the [sic] New York State. They are pushed aside, dismissed, or treated as though they do not belong in the very spaces where they are proven to prevent maternal mortality and infant morbidity.

Let me be clear: Doulas save lives. Community-based doulas save Black lives. They save immigrant lives. They save lives of women who are too often ignored, disrespected or mistreated in desperate healthcare systems that was [sic] not built with them in mind. This bill, the doula-friendly space study [sic], is not symbolic. It is necessary. It is urgent. It is a step forward, ensuring that every birthing person in every hospital, birthing center or healthcare facility has access to a doula who is respected as part of a care team. This study helps us understand where doulas are welcome and where they are not. It will identify the cultural and linguistic barriers that lead to miscommunication, disrespect, bullying and discrimination. It helps us create real metrics, real accountability, so that doula-friendly is not just a slogan, but a standard.

I support this bill because I know what it means to

survive childbirth. I know what it means to almost not survive. I know what it means to lose a child. I know what it means to finally bring a child home, because a doula stood by my side. I only wish my mother had lived long enough to see that moment. I carry her strength with me and I carry Jonah's, my late son, memory with me every time I fight for maternal justice.

So today I fight for every women who has been dismissed. For every family who has been broken. For every doula who has been pushed out of the room like my doula, Allegra White. And for every baby whose life can be saved when we -- when we choose to do better. Let us pass this bill so that doulas have a right place in every birthing space, and so that no woman in New York ever has to face childbirth without the support, dignity and respect she deserves.

I will be voting for this bill in the affirmative and I encourage all my colleagues to do so as well. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 30th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 4, Rules Report No. 336, the Clerk will read.

THE CLERK: Senate No. S05598-B, Rules Report No. 336, Senator May (A04922-C, Levenberg, Simon, Forrest, Eachus, Simone, Burdick, Shimsky, Hevesi, Cruz). An act to amend the General Business Law and the Civil Practice Law and Rules, in relation to protecting private education loan borrowers and cosigners.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Levenberg.

MS. LEVENBERG: Thank you, Madam Speaker. This bill is -- will ensure that private student loan borrowers and cosigners receive basic information, fair treatment and reasonable protections when navigating one of the most consequential financial obligations many families will ever undertake. It applies consistent rules across the market so all lenders operate fairly and transparently. It is a commonsense consumer protection bill and does not eliminate debt or create special treatment.

ACTING SPEAKER HUNTER: Mr. Morinello.

MR. MORINELLO: Thank you, Madam Speaker. Will the sponsor yield for a few questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. LEVENBERG: Absolutely, Madam Speaker.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MORINELLO: Why is this bill needed at this time?

MS. LEVENBERG: Well, private student loan debt is a growing issue for New York families. More than 700,000 New Yorkers hold private student loans, owing an estimated \$10.6 billion in debt. Changes that have been made at the federal level make federal student borrowing less available, especially for graduate students, which previously allowed students to borrow up to the full cost of attendance. These changes are going to push many students into the private student loan market. Private student loans typically have higher, often variable interest rates and cannot be discharged in bankruptcy, but for exceptional circumstances. And unlike federal student loans, private student loans generally do not provide the same income-driven repayment options, cancellation options, discharge for reasons beyond the borrower's control or borrower protections. I'll stop there, but there's more reasons other than those.

MR. MORINELLO: Thank you. I appreciate that. In reviewing the bill and the memos, what I found interesting is this seems to focus almost more on cosigners, but it protects both a cosigner and a borrower; am I correct?

MS. LEVENBERG: You are correct. This absolutely does, yes.

MR. MORINELLO: And I know you gave a great explanation, but I, personally, am a little confused as the difference between a private education loan as compared to a loan guaranteed

under the Title IV of the Higher Education Act of 1965. Can you kind -- is there a simple explanation of the -- the differences between the two?

MS. LEVENBERG: I think that the simple explanation is just that federal loans are guaranteed -- they're -- they're made, insured or guaranteed by the U.S. Government under Federal Education Law Title IV of the Higher Education Act. A private student lender is any person, including a university, that is not an exempt organization and makes or buys private student loans or acts as an administrative or collateral agent for a private student lender, including student loan servicers. And it's a loan that is not made, insured or guaranteed under federal Title IV programs.

MR. MORINELLO: Thank you. So would it be fair to categorize this more on the -- the style of a personal loan as opposed to -- but for school purposes --

MS. LEVENBERG: Correct.

MR. MORINELLO: -- rather than a federally-guaranteed?

MS. LEVENBERG: True. And it's for higher education.

MR. MORINELLO: So now we move into a different category with a specific purpose; am I correct on that?

MS. LEVENBERG: Correct.

MR. MORINELLO: Okay. And would it be fair to say that the borrower that has to go to a private education loan may

not be as creditworthy as someone who is eligible for a federal loan?

MS. LEVENBERG: I do not think that that is the case. I just think that the federal loans have been ratcheted way back.

MR. MORINELLO: Okay.

MS. LEVENBERG: So in the -- in the recent legislation that was passed, they got rid a lot of the loans that were available at the federal level.

MR. MORINELLO: All right. The reason I asked it is, the need for a cosigner, okay, and the focus on the cosigner raises a different focus from a legal standpoint, and that's why --

MS. LEVENBERG: I understand that. But again, I think that's just because you have either the guarantee of the government or the private lender is looking for a different guarantee.

MR. MORINELLO: So if I understand, a federal loan, the government's guaranteeing it. A private loan, you're dealing with, in most instances, someone who hasn't hit the work market yet, that is probably in a position where they might have other student loans, so that they need some assistance. Would that be almost a fair categorization?

MS. LEVENBERG: Again, I think that the -- the lack of federal loans available is --

MR. MORINELLO: Right.

MS. LEVENBERG: -- what's making this more necessary.

MR. MORINELLO: Well, you misunderstood my

question.

MS. LEVENBERG: Okay.

MR. MORINELLO: If -- if it was a federal loan it was guaranteed by the government.

MS. LEVENBERG: Correct.

MR. MORINELLO: So this particular loan because there's no government guarantee, they're asking for a cosigner, which is almost a private guarantor?

MS. LEVENBERG: Yes.

MR. MORINELLO: Correct?

MS. LEVENBERG: Yes.

MR. MORINELLO: Thank you.

I also noticed that there's a prohibition against acceleration of this loan. And I'm reading through, I didn't really see a definition. But in most instances, loans that are in default can be accelerated.

(Conferring)

MS. LEVENBERG: Okay. So, it does allow for limited acceleration, only in cases of late payments but not for the entire loan to come due all -- all at once.

MR. MORINELLO: Okay. All right. But it would prohibit an acceleration because of a missed payment or some -- some other default on that particular loan, correct?

MS. LEVENBERG: I do believe so, yes.

MR. MORINELLO: Okay. Thank you on that.

Is there a high likelihood that this type loan will be sold in the open market?

MS. LEVENBERG: I -- I believe that these loans are often sold frequently, yes.

MR. MORINELLO: Okay. So it's my understanding -- and I've got a couple other questions -- that there are protections for the borrower, similar to if it wasn't for student loan purposes, correct?

MS. LEVENBERG: True. Absolutely.

MR. MORINELLO: Now, it seems that when it comes to the -- the co -- the cosigner and -- and actually the borrower, it's really a protection against aggressive debt collectors.

MS. LEVENBERG: Yes.

MR. MORINELLO: Okay. And this is kind of what it seems like the focus is more going to than the actual loan itself. If there's a situation where there's a default and it gets turned over, this is where it gets really dicey. Can I -- would that be a fair statement?

MS. LEVENBERG: Even if it's not -- if it's not turned over because of default. I think it gets dicey when --

MR. MORINELLO: Right. No, I'm saying --

MS. LEVENBERG: -- in general are turned over.

MR. MORINELLO: Once -- once it gets to a debt collector --

MS. LEVENBERG: Yes.

MR. MORINELLO: -- that's when we really end up getting into a position, correct?

MS. LEVENBERG: Yes. But also sometimes you're pushed prematurely to debt collectors, I believe, and that's also problematic. So this is putting more protections in for the borrower.

MR. MORINELLO: Now, one of the protections here is to make sure that the cosigner knows what their obligations are gonna be. Because I would assume many times the cosigner's a parent or a grandparent, right --

MS. LEVENBERG: Yes.

MR. MORINELLO: -- and that they're doing it --

MS. LEVENBERG: Sounds like you have been one.

MR. MORINELLO: Okay. Well, so you understand, that's why it's your bill.

MS. LEVENBERG: Yes.

MR. MORINELLO: Or one of the reasons. But -- but, you know, what I found interesting is one of the opposition memos that was attached to it talked about paperwork and backup --

MS. LEVENBERG: Yup.

MR. MORINELLO: -- and it's not required anywhere. Well, would it be fair to say that any good practice of any lender is gonna have backup documentation?

MS. LEVENBERG: Why are we debating when you have all the answers? Absolutely. I was gonna say that myself. Yes.

MR. MORINELLO: Well, we're debating to make sure everyone understands --

MS. LEVENBERG: Okay, perfect. I love it.

MR. MORINELLO: -- what it is. Okay?

MS. LEVENBERG: Thank you. I 100 percent agree, they should have all that documentation; whether they -- it was the original lender or they took over the loan from another lender. If they didn't, they didn't do their homework if they don't have all that backup. So yes, absolutely.

MR. MORINELLO: Well, and let us go one more step into where it has to be a collection, okay? Many of these debts, would it be fair to say, are sold on the open market for maybe pennies on the dollar?

MS. LEVENBERG: Yes.

MR. MORINELLO: Okay. Now, when I -- my previous life, because I've had many lives, was I had to make judgments as the judge on these type of loans. And I don't mean just the -- the student loans, but loans in general, okay? And one of the defenses which always held up was they had no assignment. They had no copy of the assignment of loan, so there was a chain broken. Would I be correct in that --

MS. LEVENBERG: You would be.

MR. MORINELLO: -- as to the authorization to collect this particular loan?

MS. LEVENBERG: You would be correct.

MR. MORINELLO: Thank you. I wanna thank the sponsor for her answers and on the bill, please.

ACTING SPEAKER HUNTER: On the bill.

MR. MORINELLO: I find this a very worthwhile bill. And the reason I do that is my experience has been that you get overzealous debt collectors that have purchased these, and it may be two or three collectors down the line that are now trying to collect this type of bill. Number one, upfront they never really -- without this bill they don't really explain to cosigners, to parents, to grandparents, and you end up with individuals that are gonna put themselves in a financial disadvantage because of that when the entire purpose was to assist, but not to impede themselves.

I find this a bill that I think is timely. I think it should go forward. I thank the sponsor, and I will vote in the positive and I urge my colleagues to vote the same. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Levenberg to explain her vote.

MS. LEVENBERG: Thank you, Madam Speaker, to explain my vote. First, I would just like to thank the New Yorkers for Responsible Lending, Protect Borrowers, Institute for College Access and Success, Mobilization for Justice, Consumer Reports and AARP for their support. The key requirements of this bill are creating clear

disclosure of key loan terms to both borrowers and cosigners; ensuring cosigners receive notice of their rights, responsibilities and release options; requiring lenders to verify loan ownership before attempting to collect a debt; mandating accurate and complete recordkeeping by lenders; protecting cosigners by releasing them from obligations if they become totally and permanently disabled; prohibiting auto-defaults triggered by events like a cosigner's death or bankruptcy if payments remain current; and it creates a meaningful release for cosigners after 12 consecutive on-time payments by the borrower. Cosigners often being parents, grandparents and family members who are helping a student should not be trapped indefinitely in a loan when they qualify for a release.

This is a commonsense bill with commonsense protections for private student loan borrowers which is a growing, growing population here in New York State. I'm pleased to vote aye and I encourage my colleagues to join me. Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Levenberg in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Lunsford.

MS. LUNSFORD: Thank you, Madam Speaker.

We're now going to turn our attention to Rules Report No. 345 by Ms. Lunsford. The fix is in.

ACTING SPEAKER HUNTER: Thank you.

MS. LUNSFORD: I'll call it what I want.

ACTING SPEAKER HUNTER: Page 6, Rules Report No. 345, the Clerk will read.

THE CLERK: Assembly No. A07594-C, Rules Report No. 345, Lunsford, Levenberg, Griffin, Dinowitz, Shimsky, Seawright, Rosenthal, Hevesi, Jacobson, Raga, McDonald, Reyes, Weprin, Kassay, Lasher, Cruz, K. Brown, Bores. An act to amend the Environmental Conservation Law, in relation to the regulation of toxic substances in playground surfacing materials.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Lunsford.

MS. LUNSFORD: Thank you, Madam Speaker. This bill prohibits the sale of certain playground equipment that contains intentionally-added toxins like PFAS. It requires that manufacturers alert sellers to the intentional addition of PFAS and that they are prohibited from sale here in the U.S. -- here in the State of New York prior to December of 2027.

ACTING SPEAKER HUNTER: Mr. Simpson.

MR. SIMPSON: Thank you, Madam Speaker. Would the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. LUNSFORD: Happily.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SIMPSON: Thank you. So, you just -- in your explanation you used the term "equipment" --

MS. LUNSFORD: Mm-hmm.

MR. SIMPSON: -- and in the bill under the subject it's saying "playground surfacing materials."

MS. LUNSFORD: Yes.

MR. SIMPSON: Does it include equipment as well?

MS. LUNSFORD: It does not. It only includes surfacing materials.

MR. SIMPSON: Okay. How about the surfacing -- you know, you've seen the splashpads --

MS. LUNSFORD: Mm-hmm.

MR. SIMPSON: -- and they're rubberized. You know, to protect from the water for corrosion. Is that also --

MS. LUNSFORD: Yes. A splashpad would be considered a playground under this.

MR. SIMPSON: So that's where the equipment would be --

MS. LUNSFORD: Yes.

MR. SIMPSON: -- could be affected by --

MS. LUNSFORD: It would still be the surfacing of the play area. I suppose if there were --

MR. SIMPSON: You'd think they'd make it like that.

MS. LUNSFORD: -- a pretty epic splashpad where

there was, say, foam on the top of something -- most splashpads I'm aware of, being a splashpad frequenter myself, you typically don't see things kids are climbing up on as you would in, say, a water park. But to the extent that there are surfacing that you feet's supposed to go on, I suppose it would apply to all things feet go on.

MR. SIMPSON: Okay. I am familiar with, you know, the crumb rubber, the recycled tires, and, you know, I think we had a bill a couple years ago that was proposed to deal with that. Would this bill also impact -- I don't -- are you familiar with the poured rubber surfaces that are designed for -- to meet the standards for fall protection of the children?

MS. LUNSFORD: Yes.

MR. SIMPSON: Are those contaminated by the PFAS?

MS. LUNSFORD: Yes. And to the extent that that material contained intentionally-added PFAS or PHAs -- PHAs, right --

MR. SIMPSON: Yeah.

MS. LUNSFORD: Then, yes, it would.

MR. SIMPSON: Okay. Have you looked into what alternatives one is gonna use, you know, in the -- after this is enacted?

MS. LUNSFORD: Yeah. There's any number of alternative materials available on the market made from a variety of different materials. This really just deals with materials that have intentionally-added PFAS, which I think typically you see more in

outdoor surfacing because of the water repellant qualities of it. But there are other materials on the market now, and hopefully this will encourage diversification and innovation.

MR. SIMPSON: Okay. And just for clarification also, we know athletic fields are made from a lot of the same materials. Is that gonna be excluded from this legislation?

MS. LUNSFORD: Yeah. An athletic field is different than a playground. This applies only to playgrounds.

MR. SIMPSON: Okay. All right. And then I wanted to also ask about the timeline. The date is December 31, 2027, the date of prohib -- prohibition, the sale of any playground surfacing material that may have this product. I mean, that's gonna affect New York manufacturers. I did a short search a few minutes -- a few minutes ago and found there are many New York manufacturers. And with such a short timeline, how will -- how do you expect manufacturers to deal with the amount of material, playground components that they have back-stocked?

MS. LUNSFORD: So first, it's December of '27, which I think -- it's not like it's December of this year. But there's going to be two sections where if it is intentionally added, that needs to stop. If there's accidental additions there is an additional time for that. And to the extent that a -- a seller is found to have sold material with PFAS added that they reasonably could not have known, they will not be held liable for that. So we are building in parameters for the sellers and those who don't have control over that process in this

bill.

MR. SIMPSON: Will those New York manufacturers or sellers be able to sell to another state?

MS. LUNSFORD: Yes.

MR. SIMPSON: And no implications under this law?

MS. LUNSFORD: I don't think so.

MR. SIMPSON: I think that's -- and I did notice the penalties are pretty severe, \$1,000 a day.

MS. LUNSFORD: Those are standard. This is taken from other legislation that we've passed that similarly limits PFAS, so that's standard and across our legislation. But also, don't poison our kids.

MR. SIMPSON: One more question I -- I -- back to the materials. This memo actually says, *above a level established by the Department of Environmental Conservation*. Have they established that level?

MS. LUNSFORD: They will.

MR. SIMPSON: Is it zero? I mean, I -- you know, we hear PFAS is zero.

MS. LUNSFORD: No, they will establish that at some point. We do this all the time. Once this bill is in effect they will then take those steps.

MR. SIMPSON: All right. Well, thank you for your clarifying answers.

MS. LUNSFORD: Thank you. It's been a pleasure.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

ACTING SPEAKER TAYLOR: Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Ms. Lunsford.

MS. LUNSFORD: Thank you, Mr. Speaker. We're going to turn our attention to Rules Report No. 332 by Ms. Rosenthal.

ACTING SPEAKER TAYLOR: Page 3, Rules Report No. 332, the Clerk will read.

THE CLERK: Senate No. S04692, Rules Report No. 332, Senator Cleare (A02428, Rosenthal, Sayegh). An act to amend the Public Health Law, in relation to providing free menstrual products in the restrooms of private colleges and universities.

ACTING SPEAKER TAYLOR: An explanation has been requested.

Ms. Rosenthal.

MS. ROSENTHAL: This legislation would expand

access to menstrual products for private college and university students.

ACTING SPEAKER TAYLOR: Ms. Walsh.

MS. WALSH: Thank you, Mr. Speaker. Will the sponsor yield?

ACTING SPEAKER TAYLOR: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER TAYLOR: The sponsor yields.

MS. WALSH: Okay. Thank you. So back a couple years ago, right, the free menstrual products were required at public --

MS. ROSENTHAL: Correct.

MS. WALSH: -- colleges and universities, right?

MS. ROSENTHAL: Yes. Yes.

MS. WALSH: And now this is being expanded to include private colleges and universities?

MS. ROSENTHAL: Correct. Correct.

MS. WALSH: Okay. And who's ultimately gonna pay for these free products?

MS. ROSENTHAL: Because it's a basic necessity, I -- the -- the same pot of money that pays for toilet paper, soap in the bathrooms.

MS. WALSH: Okay. So if colleges have to provide them, won't the costs just be passed on through higher tuition or fees or room and board or something like that?

MS. ROSENTHAL: You know, I -- I -- I really doubt that. You know, if toilet paper's cost goes up I don't think that's passed along. But, in fact, out of 110 colleges in a survey, about 60 already do this. So it's just to make sure that it's even across the board that they're available.

MS. WALSH: So -- but why should private institutions that aren't currently doing this absorb a State-mandated expense without any State funding?

MS. ROSENTHAL: Well, you know, over the years starting in 2016 when we axed the tax, we've been increasing the locations where menstrual products are required. So we did public colleges, as you said, K through 12 schools, and at that time we did public and private schools. And then earlier we did shelters, correctional facilities, homeless shelters. So, you know, it's -- it's trying to ensure that no matter what location you're in you will have access to products.

MS. WALSH: No, I definitely remember all of those bills because I think you and I have spoken about all of them.

MS. ROSENTHAL: Yes.

MS. WALSH: I can't wait to welcome more women on my side of the aisle --

MR. ROSENTHAL: (Indiscernible/crosstalk.)

MS. WALSH: -- so we could spread the wealth on some of these bills. I -- I just think that, you know, if access to mental -- menstrual products is a public health responsibility of the State, why

is the bill requiring private colleges to fund and administer the program rather than having the State provide the funding? Why are we making the private universities and colleges pay for it?

MS. ROSENTHAL: I mean, we -- we did that with private schools from grade 6 through 12.

MS. WALSH: Yeah, I didn't like that bill, either.

MS. ROSENTHAL: Sorry?

MS. WALSH: I didn't like that bill, either, to be honest with you.

MS. ROSENTHAL: Okay.

MS. WALSH: Yeah. Because, I mean -- you know, State -- it's one thing when the State is creating rules that the State must follow, right, like SUNYs --

MS. ROSENTHAL: Mm-hmm.

MS. WALSH: -- or CUNYs. I -- I can -- I can see that a little bit because that's more State-funded. But to require private institutions to do it and to have the State mandate that the private institutions must do it, I think that that's -- you know, that -- that is a difference for me, and -- and I think on that previous bill that you mentioned as well, with private lower grade schools as well.

MS. ROSENTHAL: Well, you know, like private shelters also have to pay for them. We -- we, quote, "mandate" a lot of things on private interests. And this here is only -- only fair if -- if -- across the State you have shelters, public and private -- if you have public universities, if you have correctional facilities. If you have it

available, it should also extend in the law to private colleges. And -- and as I -- as I said, toilet paper is provided. This is also a necessity.

MS. WALSH: They're necessities, you're saying. So -- but what -- what evidence shows that the lack of menstrual products is a widespread barrier to attendance or academic success at private colleges? Isn't that the argument that you've made for doing it? So what -- what evidence do you have of that?

MS. ROSENTHAL: Well, the fact that 60 out of 100 independent colleges already do it speaks to the need.

MS. WALSH: Oh, because they're already doing it you're saying that they -- well, 60 out of, what, 100?

MS. ROSENTHAL: Yes.

MS. WALSH: Okay. So but 40 haven't done it.

MS. ROSENTHAL: Well, after we pass this, they will.

MS. WALSH: Then they will have to. They'll be required to. Would targeted assistance for students in need be more effective than providing products universally?

MS. ROSENTHAL: I don't know how you would target the -- the assistance. But it shouldn't be something -- you know, back in the day you had to raise your hand and ask the nurse -- you know, go to the nurse and get something. It's just a normal biological function. And I -- frankly, one should expect it in places like colleges where most of the population -- half the population that goes to college, if it's evenly divided, experiences menstrual cycles. And so

whether you're at a private, a public college, it is something that is, A, more convenient. You know, sometimes periods happen one week, not the next. We don't -- we wanna make it easier for students to just do their studies and get on with it rather than scramble for products, which I think the Legislature has made clear over the past ten years, is a concern that we weigh in on.

MS. WALSH: Well, if the State can require and is requiring free menstrual products, what prevents future mandates for other personal hygiene items?

MS. ROSENTHAL: Well, I'm concerned with today. Future products, you know, let the future legislators decide.

MS. WALSH: I mean, but the whole -- like, the whole philosophy, I think, or the whole argument that you've made over all of these bills has been that if women do not have available menstrual products because of being unable to afford them --

MS. ROSENTHAL: Yes.

MS. WALSH: -- then they will not attend class, that there will be chronic absenteeism --

MS. ROSENTHAL: Yes.

MS. WALSH: There'll be a -- they will suffer in terms of their academic performance. I mean, that's the argument that you've made --

MS. ROSENTHAL: But, I mean --

MS. WALSH: -- again and again. But you think that for private colleges and institutions, you -- can you point to any data

showing that that's the case? I mean, for you to just say well, 60 colleges out of 100 are already doing it, so that -- there must be a need. That's basically what you've offered tonight.

MS. ROSENTHAL: But that is -- A, that is true. B, a lot of students who attend private college are on scholarship. And so we know that there is a financial need for them to have access to free products. And that doesn't mean their whole supply for seven days will come from the university's bathrooms. You know, it's -- it's tied you over until you can get home or -- you know, I don't think most use it as their yearly supply.

MS. WALSH: Well, we don't know. We don't know.

MS. ROSENTHAL: Okay. Well, why -- why should 60 have it and 40 not?

MS. WALSH: Because they're choosing to. Because that's an amenity that the individual school is -- is deciding to do. I mean, I used to have -- when I went to school I had in the basement of my dorm a place where I could go get bagels while I was studying. I mean, I paid for them, but, you know, they were -- that was an amenity that was available for me, but that I paid for. I mean, if you have a bookstore on campus that's -- that's also got a small pharmacy or place where you could pick up some toiletries and things like that -- I mean, the average woman's period costs about \$15 a month from -- from what Google's telling me and from distant -- distant far memories. I mean, I -- I just don't see why we would mandate private institutions to have to provide this.

MS. ROSENTHAL: Okay. I think -- I think I -- I explained that. But, you know, college students already face higher rates of food insecurity, depression and anxiety. Having to worry about if they're at school attending class and need a product, they don't have to worry that it's there. But my question is, if we mandate -- if we have pub -- if we have toilet paper, which everyone expects in a bathroom, if we have soap and paper towels or an air dryer, why should half the population not have access to biologically-necessary menstrual products?

MS. WALSH: Well, you mentioned biologically-necessary. I mean, something like soap or toilet paper is something that regardless of one's gender you require. So does this bill, though, require that menstrual products be available at men's-only colleges?

MS. ROSENTHAL: At what?

MS. WALSH: Men's-only colleges.

MS. ROSENTHAL: It doesn't speak to that.

MS. WALSH: So, therefore, if it doesn't speak to it, it would?

MS. ROSENTHAL: You know what? I mean, I don't think only men are on campus, if there are still men's-only colleges. I mean, women visit, use bathrooms. But I think all of this is beside the point. And I don't understand why it would be so onerous when more than half the private colleges already provide this, which is a necessary product for so many girls and women.

MS. WALSH: Well, I would say that there --

MS. ROSENTHAL: There's also faculty, visitors.

MS. WALSH: Oh, okay. So now we're gonna provide menstrual products for visitors or for staff members or just people who happened by? I mean, why would we do that?

MS. ROSENTHAL: You know what? They use the same bathrooms. So if they go to the bathroom, *Oh, my goodness, I got my period, I need a product*, it'll be there.

MS. WALSH: Well, it's definitely a convenience, but why should there be State action involved here to -- to mandate this on private colleges and universities? If they want to provide it, great. It sounds like 60 have, but what about the rest?

MS. ROSENTHAL: I see it as a basic need. Apparently you have a different point of view. However, we have already said that private schools grade 6 through 12 have to have it available. We've said that private shelters have to have it available. We've said that charter schools have to have it available. I do not understand why we would omit this sector as well.

MS. WALSH: Well, I -- I would just say in response to that that there have been a number of bills that have incrementally expanded what I think is fundamentally a wrong-headed idea.

MS. ROSENTHAL: Okay.

MS. WALSH: So that's -- that's my perspective. Just the fact that there have been multiple bills doing things that some of us don't think are necessary or, you know, necessary is -- is why it should be there. Okay.

Well, thank you very much, Ms. Rosenthal.

MS. ROSENTHAL: You're welcome.

MS. WALSH: Mr. Speaker, on the bill.

ACTING SPEAKER TAYLOR: On the bill.

MS. WALSH: So, I -- I will not belabor the point any -- any further, only to say that I think that -- I think that if access to menstrual products is such a public health responsibility of the State, why is the bill requiring private colleges to fund and administer the program rather than having the State provide the funding? I think it's one thing if the State is going to require State or CUNY colleges and universities to provide these products; that's one thing. But I think it's a step too far to go ahead and require that private colleges and universities -- and there are men's-only colleges. There are Roman Catholic seminaries. I mean, are they -- are they going to have to? Because if the whole fundamental concept is that young women who are at college are not going to go to class and that there's period poverty that's there, if you're at a men's-only school then fundamentally you're not providing these products for the students because there are fe -- there are no female students there. So you're just providing them and mandating them for visitors, for staff members, faculty, whatever. I mean, that's not -- I -- I just don't -- I think that could be an option. If the private institutions want to do it, God bless them. I don't think the State should be doing it. And quite honestly, I think in these very last waning hours of the legislative Session where we just passed a budget that is \$14 billion more

expensive than last year's was, when we've got thousands and thousands of bills to consider, the fact that we are debating this one is not really how I would choose to have us spend our remaining time. But here we are.

I will not be supporting this legislation. I'd encourage my colleagues to think hard about it and perhaps not support it as well. Thank you very much, Mr. Speaker.

ACTING SPEAKER TAYLOR: Thank you.

Mr. Yeger.

MR. YEGER: Thank you, Mr. Speaker. Would you kindly ask the sponsor if she'd yield for a few questions?

ACTING SPEAKER TAYLOR: Will the sponsor yield?

MS. ROSENTHAL: Yes.

ACTING SPEAKER TAYLOR: The sponsor yields.

MR. YEGER: Thank you very much, Mr. Speaker. I just wanna delve a little deeper into the questions from the member who just spoke. As you know -- and this was discussed; I'm not gonna beat into it, I'm just gonna go a little deeper. The -- the bill is very specific to restrooms. And without regard to whether it's a private or public institution, it says restrooms and it's not specific to the gender of the restroom. And -- and of course the question came up, what about a -- a boys-only college, and it seemed that there was some confusion on the floor if those exist. And so I'm here to say yes they do. I went to one. And -- and they still do exist in my community and

in many communities throughout the State. So my question is, why would the bill not provide that this product, which I do agree is necessary and as -- as necessary as toilet paper or paper towels or soap at the sink. But why wouldn't the bill specify that this only has to be in women's restrooms?

MS. ROSENTHAL: None of the other laws that we've passed specify.

MR. YEGER: Right. But this is not -- this is not those laws. This is a law specific to mandating that in -- in colleges, which as -- as we've discussed on this floor just now, may have -- there may be colleges that don't have any women on the campus at all. Why wouldn't the bill provide that in such colleges, it -- a college would not have to undergo the expense -- particularly since the government's not paying for it -- of putting these products and putting dispensers and -- and renovating their restrooms to put in a product that is absolutely unnecessary?

MS. ROSENTHAL: Well, first of all, there's no renovation cost. Secondly, we have not specified in any of the other laws. This parallels them. And, you know, I've never heard a concern from any of the private locations that we've mandated carry products for women who have their period that object to the cost.

MR. YEGER: Well, I --

MS. ROSENTHAL: It is a -- a courtesy. It is for ensuring that women and girls have the products they need when they need them. It is a pillar of women's rights that women have access to

products that they need.

MR. YEGER: I -- I would actually say it's more than a courtesy, it's a necessity. But --

MS. ROSENTHAL: Well, I'm glad you recognize that.

MR. YEGER: -- but -- but the necessity is -- is limited, I would think, to a place where women would be. And if you have a male-only college with male-only restrooms, asking the universities from their own pockets to put in dispensers and buy a product that is wholly unnecessary, I think makes very little sense. And that wasn't a question.

So, if I may, Mr. Speaker, may I speak on the bill?

ACTING SPEAKER TAYLOR: On the bill.

MR. YEGER: Thank you very much, Mr. Speaker. The -- the bill makes sense. It does. It -- it -- toilet paper, paper towels, soap, running water. These are things that ought to be in restrooms for sure, but we're talking about a product that is specific to a gender and when we know that there are institutions that don't have a need for it and asking them to expend sums of money out of their institutional resources so that they can put something in a restroom that doesn't need it, seems to me like we may have missed a little bit of the boat.

To be clear, putting this in their college is necessary. It makes sense. It's a good idea. I agree. Even if we're mandating it on private universities, they certainly do get some government

funding. But I think there ought to have been an exception in this law that says that if you have a male-only university, the male-only university probably doesn't need this and I think we may have missed the boat a little bit.

For that reason, I'm -- I'll -- I'm happy to listen to the rest of the debate, but I would lean no on this because I think that we ought to do smart bills. We ought to do bills that make sense and we ought to not miss boats on things that makes a lot of sense. This bill only has a couple of words in it, it would have been very easy to say, with the exception of universities that are male only.

Thank you very much, Mr. Speaker.

ACTING SPEAKER TAYLOR: Thank you.

Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER TAYLOR: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Rosenthal to explain her vote.

MS. ROSENTHAL: Thank you. To explain my vote. In 2026, I am astounded that anyone would question the need to accommodate girls and women who get their periods with products that they need to continue living their lives on that particular day.

When it comes to men-only college, that is a -- my question is, there are faculty members who are women, there are women who step foot on that campus. I certainly hope there's a

bathroom for those women and in that bathroom, I certainly hope that they will stock menstrual products so someone who needs the products will not have to leave campus, will not have to go home, will not have to feel ashamed that they can't afford a product. Just like we provide free lunch to every student in public schools, we need to provide free products for women and girls who get their periods and need them to continue with their day.

And I vote in the affirmative.

ACTING SPEAKER TAYLOR: Ms. Rosenthal in the affirmative.

Mr. Yeger to explain his vote.

MR. YEGER: Thank you, Mr. Speaker, for the opportunity to briefly explain my vote. As I said a few moments ago, I agree with this bill. I think it makes sense. These products are as necessary in a women's restroom as running water is in a women's restroom. But my -- my questions and objection is to require that private universities that are male only, that have only one kind of restroom for one kind of customer should under the -- on the plain reading of this bill, is required to purchase and keep these products in those restrooms. To me that just makes no sense and it's government overreach for a purpose of -- that -- that maybe has some benefit in the -- in the theme of it, but when -- when practically applying the statute to real life across the State of New York may have, as I said before, missed the boat.

So, Mr. Speaker, I respectfully vote no on this.

Thank you.

ACTING SPEAKER TAYLOR: Mr. Yeager in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the result.)

The bill is passed.

Ms. Lunsford for an announcement.

MS. LUNSFORD: Thank you, Mr. Speaker. Could you please recognize Ms. Clark for an announcement?

ACTING SPEAKER TAYLOR: Ms. Clark for an announcement.

MS. CLARK: What could it be? I am here to call Majority Conference in the Speaker's Conference Room. Majority Conference in the Speaker's Conference Room.

ACTING SPEAKER TAYLOR: Majority Conference in the Speaker's Conference Room. Majority Conference in the Speaker's Conference Room.

Ms. Lunsford.

MS. LUNSFORD: Mr. Speaker, can you please put the Chamber at ease?

ACTING SPEAKER TAYLOR: The Chamber is at ease.

(Pause)

On a motion by Ms. Lunsford [sic], the House is at ease.

(Whereupon, at 5:53 p.m., the House stood at ease.)

ACTING SPEAKER HUNTER: The House will come to order.

(Whereupon, the House was called back to order at 7:26 p.m.)

Ms. Lunsford.

MS. LUNSFORD: Thank you, Madam Speaker. We're going to continue our floor work with Rules Report No. 376 by Ms. Lee, and then Calendar No. 224 by Ms. Kelles.

ACTING SPEAKER HUNTER: Thank you.

On the A-Calendar, page 12, Rules Report No. 376, the Clerk will read.

THE CLERK: Assembly No. A11360, Rules Report No. 376, Committee on Rules, Ms. Lee. An act to amend the General Business Law, in relation to the labeling of baby cosmetic products.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Lee.

MS. LEE: This bill requires the manufacturer of any infant cosmetic product to clearly and conspicuously disclose the ingredients in order of predominance on the product's package, and provide a warning label if the product contains a carc -- a carc -- a carcinogen.

ACTING SPEAKER HUNTER: Mr. Durso.

MR. DURSO: Thank you, Madam Speaker. Would

the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. LEE: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Ms. Lee. So you're saying that these products, which are -- let me get -- infant cosmetic products. What are those specifically? Can you give me some examples of what an infant cosmetic product would be?

MS. LEE: Yeah, baby lotions, shampoos. Anything that you would put on a baby's skin.

MR. DURSO: Okay. And -- but -- but specifically that are made for infants, correct?

MS. LEE: Correct, that are labeled as -- for babies.

MR. DURSO: Okay. Now, when it says that the -- the ingredients need to be on the label, right, is that all ingredients in the product or those ingredients that we have deemed carcinogens or anything like that?

MS. LEE: So, all of the -- all of the ingredients that are in the product are required to be on the label, and there should be a specific label -- warning label if there are carcinogens in that product.

MR. DURSO: Okay.

MS. LEE: Because carcinogens can take different names, or that a normal average consumer is not gonna know what they are.

MR. DURSO: Got it. So in other words, if the -- the name on the label saying that it's a -- an ingredient in the product, obviously it's one of those 30-letter names --

MS. LEE: Correct.

MR. DURSO: -- that we don't know what it is, but we know that it's a car -- a carcinogen or something that's dangerous, then the product itself has to have a label that says what?

MS. LEE: This product contains a chemical known to cause cancer.

MR. DURSO: Got it. Okay. Now, is that on the product itself, or does the store or anybody else that is selling the product have to have a separate warning label or is it specifically on the product being sold?

MS. LEE: The manufacturer is responsible for the label.

MR. DURSO: Okay. Thank you very much.

And now, products that are being sold currently, right? So if you have stock of this, if you're a big-box store, or even a small pharmacy that -- you know, I used to work there when I was a kid -- they would have, you know, 200 bottles of -- of baby oil or lotions or shampoos in stock. How long will they have from the passage of this legislation to be able to sell those products?

MS. LEE: I think this only applies to new products 180 days after the effective date.

MR. DURSO: So, that had purchased from the

manufacturer after that time period? I'm sorry.

MS. LEE: Sorry, repeat that again.

MR. DURSO: I -- I --

MS. LEE: Oh, repeat that again?

MR. DURSO: So it's -- it's only products that are bought 180 days after the passage of this law, correct?

MS. LEE: Yes.

MR. DURSO: Right. So if I have 300 bottles of it now and next year I'm down to 100 but I'm still selling those, it's okay that I sell those?

MS. LEE: Correct.

MR. DURSO: Okay. Now, is there any concern or has anybody reached out to you in regards to the ingredients that have to be on those bottles or -- or cosmetic products that have, like, a prot -- a proprietary blend -- excuse me, I can't say the word -- that's their own, essentially it's something they've created. But now, whether they have a patent on it or anything like that, now they have to list all those ingredients, because now you're saying you have to list every ingredient in it, not the ones that are just hazardous. So wouldn't that open them up for people to know what their product is made of? So if it's one of the popular ones -- I don't like to give people free advertisement -- but we don't know how it's made, now we're telling them how it's made, correct?

MS. LEE: We are simply asking for companies -- we're not asking companies to divulge trade secrets. Formulation --

there are a lot of different components that go into formulation, not just the ingredients, that the portions of those ingredients and other things that go into creating a formula. What we're simply asking for is transparency. I think you and I both can agree that a family should know what is in an ingredient, and when they're putting it on their child's skin that it is safe. And families deserve peace of mind and transparency in this process.

MR. DURSO: Ms. Lee, I -- I completely agree with you. And as -- as the father of two girls and, you know, obviously they were infants at a time, and washing them and making sure that they're healthy. I agree with you. I agree with this bill. I'm gonna vote for this bill. But I just want to get clarity on some of the concerns that I and others have is when -- and I'm not an attorney, I say that all the time. But if you have a secret blend or -- or, you know, something that is trademarked and/or has a patent on it and you have to list those ingredients, right, like a trade secret -- no one's telling McDonald's they have to tell them how they make their Big Mac sauce, even though we all know how. But it's -- no one's telling you what is in that blend. So, now, I understand this is a health thing, and like I said, I'm supportive of it. But I just wanted to know what, if any, protections there are for those businesses and manufacturers, some that are here in New York, to have for their company that they've created. Now, I understand if there was a -- an amendment, maybe, that's saying if there was a -- carcinogenic [sic] compound that's in it, that has to be labeled. Something that causes cancer has to be put on the label. But

putting their, essentially trade secrets on the label, do we think -- and I don't know -- could that open up any type of trademark infringement, lawsuits, anything like that for those companies?

MS. LEE: I mean, if something's trademarked -- and I'm not a lawyer, either -- but I would assume that then it's protected from being copied. So I don't know that that would -- or patented, it can't be copied, so it would be protected. So I -- I think there are laws in place to already protect against those kinds of -- those kinds of trade secrets and formulations. So I don't think that this is an issue for that. I would also say that this already exists in the law for diapers and for feminine menstruation products. So since that has -- these laws have taken effect in those different categories, we have not seen an issue. So I don't anticipate an issue for baby products.

MR. DURSO: Great. Ms. Lee, thank you so much for answering my questions. Thank you, Madam Speaker.

MS. LEE: Thank you.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Ms. Lee to explain her vote.

MS. LEE: Thank you, Madam Speaker. I know

firsthand how important it is for families to know what is in the products they use every day. Before I ran for office I was a small businessowner who started a beauty company for pregnant women so they could have peace of mind. I learned how confusing and overwhelming it can be to understand what ingredients are imbued in personal care products and how little transparency families often have when they are trying to make safe choices for themselves and their families. That experience helped shaped the work I do today. I first got involved in politics by organizing my neighbors against a toxic green -- brownfield site across from two schools. Since then, I have fought to make sure our communities are not left in the dark when it comes to environmental health and safety. This bill is significant because our skin is the body's largest organ, and what we put on it matters, especially for babies and young children. Babies are not just smaller adults; their brains, organs, immune systems and endocrine systems are still developing, making them more sensitive to hazardous ingredients and repeated chemical exposures. Families should not need a chemistry degree to understand what is in their shampoo, lotion or cosmetics. They deserve clear information, safer products and peace of mind that comes from knowing that the products they use every day are not putting their children at risk.

I will be voting in the affirmative.

ACTING SPEAKER HUNTER: Ms. Lee in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the main Calendar, page 29, Calendar No. 224 the Clerk will read.

THE CLERK: Assembly No. A09047-B, Rules -- Calendar No. 224, Kelles, Otis, Dinowitz, González-Rojas, Shrestha, Cruz, Levenberg, Simon, Glick, Kim, Colton, Schiavoni. An act to amend the Environmental Conservation Law, in relation to banning the use of unencapsulated foam flotation in docks, buoys and floating structures.

ACTING SPEAKER HUNTER: An explanation has been requested.

Ms. Kelles.

MS. KELLES: Absolutely. This bill would prohibit the sale, distribution and installation of docks, buoys and other floating structures that use exposed foam flotation materials. Note, this is a prospective bill. Unless the flotation is fully encapsulated within a durable protective shell, the bill is intended to reduce the release of foam fragments and microplastics into lakes, rivers, wetlands and other waterways where deteriorate -- deteriorating dock foam can break apart into persistent debris that is difficult to clean up and harmful to fish, birds and aquatic ecosystems. There's two years to comply.

ACTING SPEAKER HUNTER: Mr. Simpson.

MR. SIMPSON: Madam Speaker, would the sponsor

yield?

ACTING SPEAKER HUNTER: Will the sponsor

yield?

MS. KELLES: Yeah, déjà vu. Hi.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. SIMPSON: Good evening. So, I've got a couple of questions.

MS. KELLES: Sure.

MR. SIMPSON: When you're -- you're talking encapsulated foam, and I don't know how familiar you are with dock -- you know, dock components that are hard polyethylene encapsulated docks. Are they prohibited under this?

MS. KELLES: So, if you are talking specifically about the rotomolded, the -- this is the high-density polyethylene --

MR. SIMPSON: Yes.

MS. KELLES: Yeah. Those are -- that would be an encapsulation material. So we are specifically talking about the foam material that, you know, that we're all used to; containers like picnic -- coming -- that break down really easily in your hand, and of course break into millions of tiny pieces into the lake. That material that you're talking about can last decades.

MR. SIMPSON: Right. Okay. How about, you know, there's foam buoys that are kind of a rubbery foam. Have you seen those? The boat bumpers, they're not all rubber. There are some that are foam. Are those --

MS. KELLES: We're specifically talking about those ones that are unencapsulated foam that can break into those millions of tiny little pieces. So if it is foam that, like, dents or it can break, obviously it has -- it has some environmental issue that is plastic. But we're specifically talking about the type that breaks into a little millions little pieces very easily.

MR. SIMPSON: Okay. You also used a description of spray-applied. Can you give me an example of where -- you know, what you were looking at with spray-applied? Is that -- that's not --

MS. KELLES: No.

MR. SIMPSON: Okay.

MS. KELLES: No, I didn't say that.

MR. SIMPSON: I thought I saw that in the text, but...

MS. KELLES: No.

(Pause)

I mean, so that's not a form --

MR. SIMPSON: Yeah.

MS. KELLES: Yes, I see what you're saying. But this is -- this is part of the definition of what's foam flotation. So what that is referring to -- I thought you we're talking about sorry, the encapsulation --

MR. SIMPSON: Yeah, no, that's what I was asking. It's in your text.

MS. KELLES: So, that -- you know, like, it's used

for inflation where you spray it in. It's also that kind of foam that breaks down in your hand. That is the -- that would be the test of it. So if you have any of that, like, unencapsulated on the underside of a dock, that would be an issue.

MR. SIMPSON: How about the underside of a boathouse where they may have used it for insulation?

MS. KELLES: Well, if it is a separate floating in the middle of a water body, then that would be included in the --

MR. SIMPSON: It's not floating. It wouldn't be floating.

MS. KELLES: That is -- I'm saying, those are the -- those are the two that are identified in this bill. This is specific to docks. And to those -- you know, docks are typically attached to land. It also includes flotations that are unattached, but they're moored in a lake.

MR. SIMPSON: Okay.

MS. KELLES: So they're unattached, those docks.

MR. SIMPSON: Okay. I think you've answered all my questions.

MS. KELLES: Great.

MR. SIMPSON: Thank you.

MS. KELLES: Absolutely.

MR. SIMPSON: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the

sponsor please yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MS. KELLES: Of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you very much. So, I know the prior questioning really had a lot to do with how we could define, you know, specifically what products were gonna to be covered by the legislation.

MS. KELLES: Mm-hmm.

MS. WALSH: I wanted to get into a little bit of the cost issues. What's the estimated Statewide cost to homeowners, to marinas, camps and municipalities of complying with this particular mandate?

MS. KELLES: So actually, there are already existing alternatives that are cost-competitive. I'll first note that it's prospective. Secondly, there are, as I said, materials that are cost-competitive, the same price. But I will note -- and it's really important to make this distinction -- you can buy something that is cheap but lasts five years, or you could buy something that is cost-competitive, it might be more expensive, but lasts 20 years. And I would ask that's prospective, it might be that many people would consider the latter less expensive, ultimately, on the family's budget.

MS. WALSH: Okay. What percentage, do you know, of New York's waterway pop -- pollution is actually

attributable to unencapsulated dock flotation foam?

MS. KELLES: As an exact percentage of the amount of plastic floating in the water?

MS. WALSH: Well, near as you can figure.

MS. KELLES: I know that it is an issue. I don't know as a percent.

MS. WALSH: Well, how do you know that it's an issue? I mean --

MS. KELLES: So I do because I live on a lake and --

MS. WALSH: Yeah, I do, too.

MS. KELLES: -- it is an issue because we've seen them. So if you have unencapsulated foam docks, you will see -- I was just having a conversation with one of our colleagues who -- if you -- I know this as a kid, floating around, swimming around, you will see those white pellets that are in the water. Those are the micro -- you know, plastics that we're talking about, and they are highly toxic to wildlife. So, you know, there's two issues; one is the actual percent as a volume; the other is what is the magnitude of the harm. And these are particularly harmful. They also build up. So you'll have, you know, animals like the fish that are consuming them or birds that are consuming them, especially if they're floating on the surface of water, that are extremely harmful and they'll build up in their gullets because they don't break down, ultimately killing them.

MS. WALSH: Is the primary concern to wildlife or to human beings or --

MS. KELLES: Well, it would be both, of course. If you depend on the fish for -- for your family because you fish in that lake, which many people do in my district, then it would be both humans and -- and wildlife. Not only do you have the foam material, like that's what we think of, but those -- those foam materials have -- break down into plastic and then microplastic. As you've probably read, some of the -- some of the scientific articles that have come out with microplastics, humans now have them in our brain. That was the most recent one that came out a couple years ago. They are associated with increased risk of, for example, infertility. We have seen miscarriage, a significant high increased risk of. So if you wanna talk about the health implications, I mean, in the ideal world we wouldn't have any. If you've got even a couple percentage because they build up, because it is plastic and plastic doesn't break down to nothing, that is the consequence and it is bio -- bioaccumulative.

MS. WALSH: No, I do understand that. I did hear about that study as well --

MS. KELLES: Yeah, it's troubling.

MS. WALSH: -- the accumulation in the brain. Can -- do you have any idea or specific data that will demonstrate that this ban will produce measurable improvements in water quality?

MS. KELLES: Abs -- well, I mean, I don't have right in front of me data, but not having this particular type of plastic break down, yes, absolutely does. And I'm happy to, after this debate, to give you some of that scientific (indiscernible/crosstalk) --

MS. WALSH: No, I'm just curious. Because I -- I -- I don't live on a lake year-round, but I've grown up every summer on a lake. And I think about dock construction up at our lake is really not regulated at all, and --

MS. KELLES: That's a problem.

MS. WALSH: Well, I mean, like, our -- it -- we -- I live on -- on a reservoir, so we -- we have docks.

MS. KELLES: Even more of a problem.

MS. WALSH: Yeah. Well, we have -- we have docks that -- my dad built ours with -- with tires so that we could roll it in and out of the lake. And, you know, a lot of them were pretty jerry-rigged, as I remember growing up. But --

MS. KELLES: Personally, I would prefer those.

MS. WALSH: Yeah. Well, I think a lot of the -- a lot of the -- the camp or, you know, the cottage owners, you know, probably would want the freedom to construct their dock with the materials that they wanted to construct it with, arguably.

MS. KELLES: Well, that's the question, though, is -- I mean, I think that that's why we're here as a government. When we find that something is very toxic to both wildlife and to humans, it's our job and our responsibility to make sure that we protect the public health of the population. So since there is such tremendous scientific information on this, you'll see that in states this -- this is something that is becoming more and more common, but that's our job.

MS. WALSH: Did I -- did I understand you correctly

that you said that this was just prospective only? Like, nobody's gonna have to --

MS. KELLES: Correct.

MS. WALSH: -- get rid of a dock that they've already got?

MS. KELLES: Correct.

MS. WALSH: Okay. Just when they construct a new one.

Do you know how -- how frequently these types of materials are being used in new dock construction?

MS. KELLES: Well, it is -- because it is a -- a low cost upfront, it really depends on the area and depends on the marketing. But it is common. But the fact that there are alternatives that are cost-competitive and the superior materials, although they might be a bit more expensive, like, \$100 or \$150 but last 20 years, I -- I think that is a superior product overall. Cost-wise as well.

MS. WALSH: This might be a little bit outside the scope of the legislation. But I'm just curious if you know. Let's say that you've got an individual that has a dock that has at least a portion of this kind of the material in the construction of the dock and they go to replace it. Are there any particular rules? I mean, how is it treated in terms of getting rid of --

MS. KELLES: You're talking about if someone already has a dock right now --

MS. WALSH: Yeah.

MS. KELLES: -- and they have materials and they want to replace it --

MS. WALSH: Yeah.

MS. KELLES: -- and they just replace it. You're saying can they replace it with -- with foam?

MS. WALSH: Yeah. Well, or if they're just gonna replace the dock and get rid of it, are there special considerations when they get rid of that material?

MS. KELLES: Or for disposing?

MS. WALSH: I'm sorry?

MS. KELLES: Are you saying are there any requirements or regulations or restrictions on the -- on the disposal?

MS. WALSH: Yeah, the -- the removal and the disposal of it. Yeah. If you know.

MS. KELLES: Well, you would have to remove it from the water to remove the material.

MS. WALSH: Oh, yeah.

MS. KELLES: So, you know, the -- the consideration or the concern is that it would be getting into the water. So I -- you know, while this is outside the scope of this --

MS. WALSH: Yeah, I -- I acknowledge that. I was just kind of curious.

MS. KELLES: -- I -- I would be happy to work on that bill with you next year.

MS. WALSH: Oh well, we've -- we've got so much

work to do.

MS. KELLES: I totally agree with you.

MS. WALSH: I don't know about that. All right.

Well, I appreciate you answering my additional questions --

MS. KELLES: Of course.

MS. WALSH: -- and thank you very much.

MS. KELLES: Of course.

MS. WALSH: Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Read the last section.

THE CLERK: This act shall take effect on the 730th day.

ACTING SPEAKER HUNTER: The Clerk will record the vote.

(The Clerk recorded the vote.)

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Page 32, Calendar No. 290, the Clerk will read.

THE CLERK: Assembly No. A06292-A, Calendar No. 290, Jacobson, Colton, Steck, Taylor, Hooks. An act to amend the Labor Law, in relation to certain mandatory disclosures in job advertisements.

ACTING SPEAKER HUNTER: On a motion by Mr.

Jacobson, the Senate bill is before the House. The Senate bill is advanced.

An explanation has been requested.

Mr. Jacobson.

MR. JACOBSON: Thank you, Madam Speaker. The -- this bill will increase the transparency of the availability of jobs by requiring private-sector employers with 100 or more employees to disclose if and when hiring will occur in all advertisements and postings for jobs. The specific disclosures are provided in the bill. These requirements would only apply to private -- private-sector employers, and not the public employers. The requirements would also apply to third-party postings of jobs. Once the job is filled, the advertisement or posting must be taken down within two weeks. The bill provides for penalties of violations of this bill. The Department of Labor will have the authority to enforce the provisions, and there are also penalties.

ACTING SPEAKER HUNTER: Mr. Durso.

MR. DURSO: Thank you, Madam Speaker. Would the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. JACOBSON: Yes.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. DURSO: Thank you, Mr. Jacobson. So, going through the bill it's saying the employer has to post if it intends to fill

the position within 90 days or less. So that's one portion of it. So, if an employer is advertising for a job and they intend to fill that position within three months, they have to state that, correct?

MR. JACOBSON: Correct.

MR. DURSO: Okay. So now for an example, if the employer fills that position in two weeks --

MR. JACOBSON: Mm-hmm.

MR. DURSO: -- what do they need to do then so that they're not in violation of the law?

MR. JACOBSON: They need to take down the posting.

MR. DURSO: Okay.

MR. JACOBSON: Or the advertisement.

MR. DURSO: So now what was to happen if they are doing a recurring advertisement? Something that they paid for; a newsletter, an online publication. As you said, a third-party vendor. Maybe they paid for a newspaper in advance. Some other type of publication that maybe only comes out once a month. Are they entitled to get their money back that they paid upfront to have those things printed?

MR. JACOBSON: Well, the bill doesn't provide for that. As far as the third-party posting, they have to do it within -- they have to take it down two weeks from the time that they knew or should have known that the job was filled.

MR. DURSO: Okay. So just sticking with this,

because there's a couple of pieces I want to go through.

MR. JACOBSON: Sure.

MR. DURSO: So if an employer intends to fill it within 90 days, they have to say that, correct? This job is to be -- intended to be filled within the next 90 days. Also, if it was to be filled within 60 days they have to list that also, correct?

MR. JACOBSON: You could.

MR. DURSO: Okay.

MR. JACOBSON: You don't have to. I mean, you know, you could say it's within 90 days.

MR. DURSO: Okay. And then if an employer was looking to collect resumes for a future job or a future position, they obviously have to state that, correct?

MR. JACOBSON: That's correct.

MR. DURSO: Okay. So now I -- to circle back to the having two weeks to take it down. So again, like I said, if you are paying in advance for a publication, if it's, like I said, a newsletter, if you're paying a local VFW hall, anything like that, to post it up in one of their job boards, anything like that, a local legislator -- I mean, we -- we share job postings all the time, whether it's for the police departments, for our unions, for private entities, but now it runs on my social media consistently. I mean, it's there. You can find it forever. So my question is, are those entities responsible for taking it down also?

MR. JACOBSON: Well, I -- I think that the

Department of Labor would look at the totality of the circumstances. And if -- for example, if the employer was advertising something online or in a newspaper and they took it down right away but there were some other that weren't taken down, I think -- I think the Department of Labor will look at the entirety of the circumstances. I don't expect the Department of Labor to be constantly looking for violations. What I think will happen will be in the more egregious situations, particularly when the jobs don't exist, and the frustration of people looking for jobs. And then they'll say, *Well, this is ridiculous. I spent all this time polishing my resume, I sent it in and I hear nothing because it doesn't exist.* Then that applicant will likely turn to the Department of Labor. That's how I expect it to work.

MR. DURSO: So you're thinking it's the applicant that's gonna be going to the Department of Labor to essentially file a complaint.

MR. JACOBSON: Yes.

MR. DURSO: Right? So in other words, if a applicant that doesn't get chosen for a job and is angry --

MR. JACOBSON: Say it again. If the applicant...

MR. DURSO: Let's say an applicant -- let's say I go in, I'm applying for a job and I don't get it, right, and then I noticed that a third-party entity or somebody else still has that job posting up. They told me they filled the position. I now make a complaint. And this could be a small mom-and-pop shop. This doesn't discriminate, right, as far as private -- private industry goes. This could be a deli.

This could be a restaurant. This could be anything. This could have three employees or 100 employees, correct? Is there a number of employees?

MR. JACOBSON: Well, the employer has to have 100 or more employees.

MR. DURSO: So the employer has to have 100 or more employees total in the company?

MR. JACOBSON: Yes.

MR. DURSO: Okay. That's -- that's good. It's something I didn't know about. So now, it's --

MR. JACOBSON: Well, we thought of you when I --

MR. DURSO: I -- I appreciate that, Mr. Jacobson. That's something we discussed before. But I do have one other problem that I want to circle back to.

MR. JACOBSON: Sure.

MR. DURSO: Why is this only for private industry? New York State, local municipalities, towns, villages, have thousands upon thousands of jobs, and all we talk about is retainment and recruitment. All we talk about is advertising and spending taxpayer money on jobs that never get filled. Ever. And we know that because we know -- you can ask our local private-sector unions. We talked about them in hearings. We do not hire enough people, starting with the Department of Labor, by the way, who's gonna be checking into this, who's not gonna be able to because they're not -- they don't have enough employees. New York State has open vacancies. Towns,

municipalities, local villages, counties have open vacancies that we all talk about, but they are not required to post the same way a private business does. Why is that? Why are we get -- why are we letting off the State and local governments who are saying they have jobs, who are required to fill those jobs and are not? Why are they not getting fined but small businesses are?

MR. JACOBSON: Well, first of all, that could be in the next bill.

MR. DURSO: But why not do it in this one? We're doing this one now.

MR. JACOBSON: Well, the reason is, I think, is that I think the -- the jobs in the public sector exist. You know, you don't -- I think they exist. Now, maybe they have a tough time filling them because of the requirements or the -- or the -- or the applicants that are going for it. But you don't see the same kind of problems of advertisements with jobs that don't exist.

MR. DURSO: Well, I understand that -- the -- the portion of it that you're trying to stop of them advertising for jobs that don't exist. That, I agree with.

MR. JACOBSON: Right.

MR. DURSO: I'm talking about the jobs that do exist, right? Because there are employers that are gonna fall into this that are hiring people in industry where the job does exist but they hire someone quicker than they may have expected. Right? They -- they don't find a candidate that fits the role. We could drive down the

Thruway, we could drive through on 17 over here and we see advertisements, billboards all over the place, *Work in New York, Jobs for New York*. State jobs, right? We see them all the time. But the State and local municipalities are not held to the same standard that private businesses are. Why? We know there's job there. I could go online right now and find probably 500 jobs just off the top of my head that are in local government. But we're not requiring them to do the same things that we are requiring small businesses to do. Oh, and by the way, we're gonna fine them \$2,500 to \$5,000 for each and every instance that they do not adhere to this new law. So why are we not holding ourselves, which are the State lawmakers, to the same account?

MR. JACOBSON: Well, I -- I think with the public sector it's -- it's not a question that they're not trying to fill it, but they're not having the applicants.

MR. DURSO: Understood. So you're saying we don't -- so a private industry is gonna have the applicants, but the public sector does not?

MR. JACOBSON: Well, maybe the -- the private sector could also have a situation where they don't have the applicants. And if that's the case, they -- they've been acting in good faith. And I don't see -- if somebody complains they didn't get the job, well, it's -- it's not because the job wasn't available for the 90 days, it was fraudulent. It was that you couldn't -- they couldn't find anybody. I don't see the Department of Labor going out of their way to go after

people once they find out what the circumstances are.

MR. DURSO: Right. Your -- your -- the intention of it is for people that are looking for a job, right, and the job is magically not there, right? There are people that post fake jobs that maybe have some type of requirement that they have to advertise, spend a certain amount of money on advertisement, and there's job postings that really aren't there. Those are the people that we're going after, and we're hoping that other employers and the people that go in, the applicants for those jobs, will report them to the Department of Labor and then they're going to be fined.

MR. JACOBSON: Right.

MR. DURSO: But what we're not asking is those people that come in and apply for State jobs, municipal jobs, village jobs, to do the same thing. And my question is, why? Because not every job, every department, right -- we -- we're not in charge of every single department, every entity within the State or municipality. We don't know who's doing the hiring. We don't know who's not hiring. We don't know if local governments are saving that money so they don't have to spend it. Right? And we put money in the budget every year so we can hire people, including in the Department of Labor yet we still don't. So my question is, Mr. Jacobson, why are we not holding ourselves to the same standards that we are gonna hold small businesses?

(Conferring)

MR. JACOBSON: Because ghost jobs are a problem

of the private sector. And if the State is not hiring, then -- while they're advertising, that's another problem. And then if they complain to the Department of Labor, the Department of Labor might -- might follow up. Or they can complain to us and then we'll do something.

MR. DURSO: Well, if they complain to us, we put in legislation but this doesn't include the State and local governments. It's only private industry. My question to you, right, is you -- as you've seen and we've seen at hearings, right, we've been in the Labor hearings, they -- they -- not hiring people. They have thousands of openings, right? And somebody, including us right now, are not doing our jobs to fill those positions. So why are we not holding us -- the ghost jobs I -- I 1,000 percent agree with you, sir. And -- and the intention of the bill, I completely agree with. I -- I do, because there are unscrupulous companies that are doing B.S. job postings, trying to gain resumes, just making sure they hit their numbers of what they have to do. So I agree.

MR. JACOBSON: Around 20 percent of the employers -- 20 percent of the jobs advertised don't exist. And the --

MR. DURSO: Well, 100 percent of the State jobs that are advertised do exist, but we're still not hiring people.

MR. JACOBSON: Well, maybe -- maybe the reason they're not being hired is they interview people and the people don't have the qualifications or they get a different job or they don't like the pay. There's a lot of reasons it's not being filled.

MR. DURSO: I would agree with you on that. So

that goes back to my original point. If an applicant goes into a private industry and they don't -- you know, they don't have the standards that that job is looking for, right? They can't fill that position with them, but then they go over time. Or they don't take the posting down. Or they need to extend it. Now that small business or somebody has to spend more money to repost. They can't just leave it up. They actually physically have to take it down and repost.

MR. JACOBSON: Or they could just change the ad very simply. If they said they were going to do it by January 1st and they couldn't do it, then they say they're gonna do it -- they could change the ad and say they're gonna do it by March 31st.

MR. DURSO: Yeah, but that's a whole new ad.

MR. JACOBSON: Yeah.

MR. DURSO: That's gonna -- but that's costing them money, correct? So they can't just move the posting up.

MR. JACOBSON: No, no. Because if they still want to fill it, they -- they would be advertising anyway, right? If they didn't fill it within three months and they still want to fill it, they're gonna put out another ad. So we just want to make sure that the ad is clear when the job would be filled.

MR. DURSO: Understood. And just going back to the third-party. When we talk about that, I'm not sure if it -- so if myself, yourself, any other entity, whether it's a local Chamber of Commerce, fire department, anything like that, is posting your advertisement for you, right? And they have it up for three months

and someone goes in, looks at the advertisement or looks at my social media page, your social media page, and that job no longer exists, who is responsible for paying that fine? Is it the -- because the third-party is me or you or maybe a local fire department. Is the employer -- even with that third-party that was supposed to take it down, even if it's a company, is the employer responsible for paying the fine or is the third-party that put it up responsible?

MR. JACOBSON: Well, if the third-party doesn't know that it was filled, they're not liable. They have to know about it or should have known about it. And I would hope that the employer would take the effort to take down the other ads or tell Indeed or something like that. So if they don't know it -- if they don't know that the job is filled, they're not liable.

MR. DURSO: So now what is to say that they don't know the job is filled? So are we just doing it on the Department of Labor to have to ask for some type of proof, an e-mail, anything like that?

MR. JACOBSON: Well, it'll be the totality of the circumstances. It's gonna be whether they knew or should have known. That's all.

MR. DURSO: Okay. When you say should have known --

MR. JACOBSON: Right.

MR. DURSO: In other words, if the original employer, the one that did the advertisement, reached out to the

third-party and said, *Hey, this position's filled. You should --*

ACTING SPEAKER HUNTER: Mr. Durso, you want your second?

MR. DURSO: Yes, ma'am.

ACTING SPEAKER HUNTER: Okay. Go ahead.

MR. DURSO: I won't be long, Mr. Jacobson. I don't have much more. If the third-party was informed, right, and they didn't take it down in time -- let's just say it was a third-party that was doing a newspaper ad or a, you know, *Pennysaver* or one of those things that go out not daily, not weekly; maybe every two weeks, maybe monthly. It's a monthly newsletter, an e-mail blast that they already had set, a future Facebook post. My question is, if they don't take it down, who's responsible, then? Is it the original employer?

MR. JACOBSON: No, it's the third-party entity if they knew or should have known that the job had been filled.

MR. DURSO: And -- and the way that they should have known is by the employer reaching out to them and saying, *This job posting needs to be taken down*. The -- the person that originally posted that's asking for -- looking for employees, they have to tell the third-party to take it down?

(Conferring)

MR. JACOBSON: Well, if the employer has reason to believe that there is a third-party posting it, then they have to tell them.

MR. DURSO: Right. But some of those third-parties

do it free of charge. They just do it on their own; Job Seekers, there's a place on Long Island that does, like, a local newspaper there.

They're literally just trying to find people jobs. Are they -- and you're not asking them to post it for you. They find it online and they create whether it's a social media post, they have it on a website, anything like that. My question is, if it's posted on a website saying that Durso Construction -- there is no Durso Construction -- has, you know, job openings -- I just -- I just wanted everybody to know that, just --

MR. JACOBSON: I understand.

MR. DURSO: -- no outside income issues.

MR. JACOBSON: I'm not expecting you to create a conflict.

MR. DURSO: But -- but if there is a job posting done by -- of that outside entity that does it for free in a local area, whether it's a school, whether, like I said, it's a local fire department, a VFW, a *Pennysaver*, anything like that, they are now the third-party, correct? We agree with that. Now I'm the employer. I reach out to the original third-party that maybe I did advertise with, or another entity picked it up. Now it's on their website. Now they're posting it. Now they're sending it out in newspaper print. I'm the employer. Am I responsible for that?

MR. JACOBSON: I think that --

MR. DURSO: At \$2,500 a clip.

MR. JACOBSON: No, I understand. I think -- I think the employer would have to use good faith in -- in telling those

entities that have it, and that if the third-party entity knows that you hired the excavator that you needed, I mean, that's another story. So --

MR. DURSO: Right. But if they don't know -- again, a lot of those third-party entities, especially like Job Seekers, those that are helping people get employed, aren't doing it with the knowledge that the original employer asked them to do it. They're just doing it to help in the community, get advertisement out there. So my -- my problem is with the bill in that way is they're now the third-party entity, right? And I -- and I know it's -- it's not funny because it actually happens all the time by us, especially on Long Island. I see it all the time. We get e-mail blasts constantly about job fairs. Job fairs is another thing, right? I mean, they just advertise whatever jobs they hear about because they're trying to employ people, get people to work, which is what we try and do here all the time. But now the possibility is those employers are gonna get fined.

MR. JACOBSON: I don't -- I don't think so.

MR. DURSO: Okay.

MR. JACOBSON: No, I -- I don't think so. The job fair only says, *We're gonna have employers come to the auditorium that you're talking about and they're gonna be there looking for employees.* That's all. It doesn't --

MR. DURSO: Oh, no. Absolutely. And we're -- we're taking one specific entity. But if -- if I'm at a job fair and I'm looking for something in construction because, you know, I have experience in that, and they -- there is a entity there that helps people

find jobs. And they say, *Hey, listen. These are a bunch of listings that we found in our local paper online.* They're now a third-party vendor. They're now advertising your job that no longer exists. So I'm the prospective employee. I go there and say, *Oh, look. There's a job opening here.* That job no longer exists because it was already filled, but no one told that third-party because they're just doing it out of the goodness of their heart, just like me or you.

MR. JACOBSON: They're off the hook.

MR. DURSO: Who's off the hook?

MR. JACOBSON: The -- the third-party. Because you're saying they didn't know or shouldn't have known.

MR. DURSO: The third-party's off the hook. My question is, is the original employer, the one that posted it, off the hook? Because according to the language in this, they are not.

MR. JACOBSON: If the third -- if the employer said to the third-party, *Here's what it is. Will you post it,* you know, then -- then they would have an obligation to do it. If the third-party just says *Oh, I saw this ad someplace* and they post it, the employer is not on the hook.

MR. DURSO: Thank you. And that was what -- so if they just do it out of the goodness of their heart, me or you post it or a job fair posts it, they're -- the original employer is not on the hook and neither is the third-party?

MR. JACOBSON: I think we're talking about reasonableness here.

MR. DURSO: Yeah.

MR. JACOBSON: And if somebody posts it, they should -- they have an obligation not to keep it up forever.

MR. DURSO: I understand that, Mr. Jacobson, and like I said, I appreciate the sentiment of the bill. I do. And I think what it's trying to do is the right thing. I'm just concerned about those people that get aggravated because they're either not picked for the job, right, the job is posted the wrong way, a third-party doesn't take it down. What we're doing is -- and I -- my concern is we're threatening small businesses who are trying to -- not in all cases, I understand that. There are ghost jobs and there are unscrupulous employers that are doing this for the wrong reasons. So I agree with you on that. But it does open up some small businesses to upwards of \$5,000 fines which a lot of them couldn't handle, and there's really no mechanism in place to even enforce this because as we know, the Department of Labor doesn't hire anybody and they can't enforce it. So who the hell's enforcing this?

MR. JACOBSON: Well, I just think that you look at it that a prohibition without a penalty is not a deterrent. And you look at the reasonableness of the circumstances, and I'm sure the Department's gonna -- of Labor would take the circumstances into consideration and make a reasonable decision.

MR. DURSO: Perfect. Thank you, Mr. Jacobson. I appreciate you answer my questions.

MR. JACOBSON: Thank you, Mr. Durso.

MR. DURSO: Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. DURSO: So again, as -- as I said to the sponsor, I think the bill is well-intentioned, and I do understand the difficulty with ghost jobs and those employers that are posting job postings and they really don't have them and they're just trying to collect resumes and they'll leave job postings up forever. But I do -- and I am concerned about the small businesses that are just trying to run their day-to-day may forget they have a posting up. Maybe a third-party posted somewhere. Maybe you paid in advance, and some of these newspapers and other online sources are quite expensive. We're not doing anything to give that money back to them or give them any leeway on top of it.

Once again, this bill specifically speaks to private businesses which we are going to fine. We are the State. We're making legislation here and we're not holding ourselves to the same standards that we're asking everybody else to hold themselves to, and that is my biggest issue with this. And like I said, I appreciate the sponsor's idea with this. I do. But New York State, among all the -- and all the municipalities within have thousands upon thousands of jobs that are never filled, ever. And we have people looking for jobs every single day in the State. And all we do is talk about advertising, *Come live and work in New York, New York's hiring*. No, they're not. They don't hire anybody. And guess what? The Department of Labor sure as hell doesn't have enough people to go out and check on our

own business, no less small businesses that we're trying to hurt by them trying to keep their businesses going. If we're going to do this -- and I agree with the intention of the bill -- we have to hold ourselves accountable first. New York State itself has thousands of jobs that are not filled, and who is being held accountable for it? We could do it right here and hold ourselves accountable, yet nobody has put the damn bill in.

So I will be voting no on this bill, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Sempolinski.

MR. SEMPOLINSKI: Thank you, Madam Speaker.

I'm just gonna speak on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. SEMPOLINSKI: I -- I have a real problem with this. And I'm imagining a scenario. I'm imagining, you know, a business with 100 employees, because I believe that's the -- the threshold before it takes effect. A hundred employees, they're looking for the 101st employee and that's -- that's what we want. We want our small businesses to grow, our medium-sized businesses to grow. They're looking for that 101st employee, and they put out an advertisement for that 101st employee. They put it in ten different places and they hire that 101st employee and they -- oops, they forget and they leave it up for longer than authorized. They leave it up for several weeks. And suddenly, the Department of Labor comes along and says, *hey, small businesses that just went from 100 employees to 101 employees, you owe us \$25,000*. Because as the bill is written,

there's a fine of \$2,500 for each print publication or digital platform the advertisement appears in. So, do we really think that we're gonna grow the economy of the State of New York when we're going to potentially penalize a medium-sized business for hiring their 101st employee thousands and thousands -- tens of thousands of dollars because they leave an ad up for slightly too long. That is not a State that is open for business; that is an anti-business piece of legislation. And, therefore, I -- I'm certainly not going to support it.

ACTING SPEAKER HUNTER: Mr. Jacobson.

MR. JACOBSON: On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. JACOBSON: The only thing worse than being turned down for a job after an interview is wasting time applying for a job which you later discover did not exist at all. Listing for jobs are not being filled and they're known as ghost jobs. And it's -- not only is it a frustration for job seekers, it's hard to figure out what the true picture of the labor market is, which can impact a lot of reports.

In a recent survey from Resume Builder, 40% of the companies said they posted a fake job listing in 2024. There was another study in that year by Greenhouse, which is a third-party entity and they said 18 to 22% of the jobs posted online were fake jobs.

So this bill will require specific language in employment advertisements and it will say that if the job is to be filled within 90 days, the employer must state the date from when it shall it be filled. If it's to be filled in more than 90 days, the employer would

give a "no sooner as" an outside and if the job is not to be filled and the employer is only seeking resumes, then it must state that -- that the posting is not for a current vacancy and that the employer is seeking resumes to review in the future when jobs become available. All required language and it be capital letters and bold type.

It's hard enough to apply for a job. The least employers should do is be honest with the public about the jobs they are advertising.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect immediately.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. So for all the reasons stated during debate here, the Republican Conference will not be supporting this legislation. But if there are exceptions, members can certainly vote differently at their seats now.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker. The Majority Conference is gonna be in favor of this piece of legislation; however, should there be one that desires to be an exception, they should feel free to do so at their seats.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Durso to explain his vote.

MR. DURSO: Thank you, Madam Speaker, to explain my vote. Again, I -- I -- I want to thank the sponsor for taking my questions and like I said, I want to reiterate that I agree with the premise of the bill. I thank you for putting it in, but the reason I'm voting no is because currently New York States has 7,000, 7,000 unfilled jobs, 7,000 jobs. That is a lot of jobs and nobody is being held responsible for not filling them. We have advertisements everywhere. We're spending hundreds of thousands of -- probably millions of dollars on advertising, but no one is hiring them. Seven thousand jobs and we're talking about people have no jobs? Come to New York, there's 7,000 of them. But apparently, we're not hiring. So when are we going to be held accountable as opposed to putting the onus on small and medium-sized businesses? When are we going to set the example? This is just State jobs. Seven thousand open positions that we are not filling. We need to hold ourselves accountable, we have to be better.

Thank you.

ACTING SPEAKER HUNTER: Mr. Durso in the negative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, colleagues, if we could now go back to our A-Calendar and take up Rules Report No. 335 by Mr. Burdick, Rules Report No. 353 by Mr. Magnarelli and Rules Report No. 357 by Mr. Taylor. In that order, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

On the A-Calendar, page 3, Rules Report No. 335, the Clerk will read.

THE CLERK: Senate No. S03864-A, Rules Report No. 335, Senator Gianaris (A04674-A, Burdick). An act to amend the Judiciary Law, in relation to the publication of opinions rendered in criminal causes.

ACTING SPEAKER HUNTER: An explanation has been requested.

Mr. Burdick.

MR. BURDICK: Thank you, Madam Speaker. The purpose of this bill is to promote greater transparency and accountability with respect to criminal court opinions. It would require the Office of Court Administration to perform an -- an evaluation and issue the report. Specifically, it would require OCA to submit to the Legislature and the Governor a report on or before January 15, 2027 including one, an evaluation of the feasibility and benefit of publishing suppression rulings rendered by trial level

criminal courts, and/or collection of data regarding such rulings. Two, whether the publication of additional decisions and/or collection of data would improve the practice of law. Three, an evaluation of the means by which such publication and/or collection of data may be effectuated to improve transparency and the public understanding of such courts. Four, an assessment of any further resources that would be necessary to support increased publication or data collection. And five, recommendations regarding legislation and administrative measures that could be taken. And that is the totality of the bill.

ACTING SPEAKER HUNTER: Mr. Molitor.

MR. MOLITOR: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. BURDICK: Yes, certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MOLITOR: Thank you, Mr. Burdick. So this bill is a little bit different than its original print, isn't that correct?

MR. BURDICK: That's an understatement. You know, it started out as four single-spaced pages and it -- well, we work very closely with OCA.

MR. MOLITOR: Okay. So you've -- you've spoken with OCA about this particular bill and they recommended some changes and this bill reflects those changes?

MR. BURDICK: Well, they -- they said that, you

know, the original bill was imposing significant requirements on the court system and in fact, I talked to Judge Zayas who expressed not only concerns about this requirements [sic] and the resources necessary to fulfill them, but he also said, *you know, I'm concerned that my judges, what they're going to be doing is working on writing opinions rather than adjudicating cases.* And so this transformed entirely from a bill with substantial mandates on the court system, to one, which as I mentioned, is to evaluate and then issue a report on the feasibility of greater transparency and accountability, and OCA does support this bill.

MR. MOLITOR: Okay. Well, let's dive into some of the language.

MR. BURDICK: Sure.

MR. MOLITOR: So the -- the court system is gonna have to submit this report that evaluates the feasibility and benefit of publishing suppression rulings rendered by trial level criminal courts. What are trial level criminal courts?

MR. BURDICK: So they would be state courts, it could be village courts. Any court in the State that has jurisdiction on criminal cases.

MR. MOLITOR: Okay. And so this would be your -- your Supreme Court, your county court, your New York City Criminal Court, we have district courts in Nassau County and Suffolk County, city courts, town courts and village courts; is that correct?

MR. BURDICK: That is correct, yes.

MR. MOLITOR: And it's my understanding, correct me if I'm wrong, that with all of the different parts of county court and Supreme Court, that's about 3,000 courts. A little over 3,000 courts. Would you agree with that or...

MR. BURDICK: To be honest with you, I don't know, but that sounds like it could be right.

MR. MOLITOR: Okay. Now, OCA is going to have to submit a report about the feasibility of publishing suppression rulings. Aren't they going to have to in order to fulfill this law, aren't they going to have to know how many suppression -- suppression rulings have been rendered from all of those courts in order to fulfill that?

MR. BURDICK: That -- that's a really good question and in fact, I worked closely with Reinvent Albany on this that, you know, has been trying to get a decent estimate of that and if you're to look at all the criminal court rulings on an annual basis, it'd be something like 200,000.

Suppression rulings constitute a small fraction of that, and so, you know, there was great purpose in limiting it to suppression rulings because that would substantially reduce the job that OCA would have to do.

MR. MOLITOR: Well, and you know, far be it for me to question OCA, I'm just going off of what I know. You know, don't -- doesn't some of these trial level courts, don't they issue suppression rulings sometimes orally where there's a stenographic

record? They don't always issue in a -- a written opinion, and in fact, some of our town courts, our village courts, they're not evening using a stenographer. They're using -- they -- they have a recording in the courtroom.

So if OCA has to gather this data to figure out how many suppression rulings have been rendered let's say in 2026, they're gonna have to ask all those courts to send them that information so that they can figure out whether this is gonna be feasible or not.

MR. BURDICK: Well, you know, again, I think you're taking this bill further than what it actually requires because it's requiring an evaluation of the feasibility. It's not necessarily requiring that that data be collected. And, so, you know, it's -- and that was, again, intentional as well that we recognized that the original bill was overly broad and would impose too many requirements on the courts and the resources would be very significant. There's, you know, a -- a -- a shortage of the kind of personnel that you would need to carry the -- the -- the original bill out.

MR. MOLITOR: Well, that's exactly my concern. So, this -- this report, OCA has -- is required under the law to issue a report about the feasibility of publishing suppression rulings. But in order to determine the feasibility of something, don't you have to first understand what's actually happening in your courts? How many suppression rulings are we talking about? This is going to require OCA to put out a mandate to every town, village, county, supreme, district court and say, *give us all of the data that you have, every*

suppression ruling you've rendered in a given year, how many recordings there are, how many have been recorded by a stenographer, how many written opinions have you issued? Isn't that that what this bill is going to require?

MR. BURDICK: Well, it sounds like you know something that neither I know -- know, nor OCA knows in terms of how they're gonna carry this out. I don't know whether that's the means in which they're gonna try to perform in an evaluation of the feasibility and, you know, I trust OCA to use good faith in terms of coming to its determination of how to carry it out.

What you're describing may or may not be something they do. I think it's actually far beyond what they think they're gonna need to do in order to come to a reasonable conclusion on feasibility and so forth.

MR. MOLITOR: That's what I -- I actually agree with you, Mr. Burdick.

Going to Section 2, it states that one of the things OCA has to render is whether the publication of those decisions "would improve the practice of law." What do you mean by that? Would improve the practice of law?

MR. BURDICK: Well, in other words, I think that what that means is that would it be helpful to practitioners to have this data, to know more about the decisions. Would that improve the practice of law? I think it's the plain language meaning of those words.

MR. MOLITOR: Couldn't we just ask the attorneys?

MR. BURDICK: I beg your pardon?

MR. MOLITOR: Couldn't we just ask the attorneys?

I mean, the attorneys practicing in court could tell you, *yeah, I would like a written decision. That would be beneficial to me.* Or like in my county, you know, we have 26 town and village courts and we know which judges, you know, pretty much how judges generally are gonna rule from their body of work. And so, we have a pretty good sense of, you know, what the suppression decision may or may not be based upon the facts of the case. But why do we need OCA to tell us what they think based upon gathering all of this data Statewide?

MR. BURDICK: Well, I think it would be a benefit. OCA is -- is the entity which deals with all criminal courts in the State apart from federal and such and -- but I think it would be helpful for them to review it, do a survey and get an idea and provide some recommendations to the Governor and the Legislature.

MR. MOLITOR: Yeah. I saw --

MR. BURDICK: Again, you know, let -- let's -- let's not make this more than it is. You know, it -- it -- I think that you're reading into this, the kind of mandates that the original bill had required which this does not contain.

MR. MOLITOR: Well, it -- it's -- it requires -- it requires OCA to issue a report, and then what that report is going to contain is listed in these subsections. So I'm just -- I'm basically just telling you what's in your own bill. I'm not making anything bigger

than what it is --

MR. BURDICK: Well, I think --

MR. MOLITOR: -- I'm not even talking about your original print.

MR. BURDICK: I think you're kinda of spitballing it as to what OCA would be doing and you know, I'm not quite sure how OCA's gonna go about it, but I don't think that they're going to go to the kind of lengths that you're describing.

MR. MOLITOR: Shouldn't we know what OCA is going to do? I mean, under Section 212 of the Judiciary Law, OCA already has the power to do what you want it to do. I mean, under subsection -- I think it's subsection (1-f), OCA has the -- the inherent authority to make recommendations to the Legislature and the Governor for laws and programs to improve the administration of justice and the operation of the Unified Court System. So if -- geez, I don't know how long our judiciary has been in a -- in a -- I guess, 200 or some years, 249 years or 251 years. After all of this time, Mr. Burdick, if the judiciary wanted to issue a report about the number of suppression motions and whether they should be written or not, couldn't they have already done so?

MR. BURDICK: They could, but this bill requires them to do that.

MR. MOLITOR: Well, why do we need them -- why are we requiring the judiciary to do this for this very narrow part of a criminal case?

MR. BURDICK: Well, suppression hearings, I think, are extremely important, and because they really go to basic constitutional rights --

MR. MOLITOR: Yeah.

MR. BURDICK: -- and particularly, if there are problems with it, it could spell the difference between whether someone is free or not. And so, suppression hearings, the reason why that was what this was narrowed down to is one, the sheer numbers are far, far less. Estimated 5- to 10,000 a year, probably less than that. And two, as I mentioned, they're at the heart of basic constitutional rights, due process and -- and so forth. And so suppression rulings seem to be a very good and appropriate place to start.

MR. MOLITOR: So this is the beginning of something much broader?

MR. BURDICK: That -- maybe not, maybe yes. You know, a lot of that is gonna depend upon the evaluation and report. That's the whole purpose of having them to do an evaluation of feasibility in a report to the Governor and Legislature and they may come to the conclusion that this is a bridge too far --

MR. MOLITOR: So what --

MR. BURDICK: -- I don't know. I don't want to try to predict what the report will contain.

MR. MOLITOR: But this is your bill, right?

MR. BURDICK: It is.

MR. MOLITOR: So you had to have had some

underlying purpose for this particular bill.

MR. BURDICK: I did which I stated at the outset, and what it is to promote greater transparency and accountability.

MR. MOLITOR: Okay, let's talk about that. Where do you think the criminal justice system is lacking in transparency when it comes to suppression motions or suppression rulings?

MR. BURDICK: Well, I -- again, I think that goes to what the report and evaluation would be. Would it -- would it be --

MR. MOLITOR: Mr. Burdick -- hold on a second, Mr. Burdick.

MR. BURDICK: Are you going to allow me to -- to answer your question?

MR. MOLITOR: Hold on -- I want to ask a -- I want to ask a -- I want to go a different direction.

MR. BURDICK: Okay.

MR. MOLITOR: You do know that all suppression rulings are a matter of public record, right?

MR. BURDICK: Correct, but they're not published.

MR. MOLITOR: Why do they -- why do they need to be published?

MR. BURDICK: I'm saying that I think that it would be helpful if they're -- if they were to be published. But again --

MR. MOLITOR: Why?

MR. BURDICK: Well, because then it would be far more transparent, wouldn't it be? Rather than to have to dig into it.

MR. MOLITOR: Well -- but --

MR. BURDICK: And -- and some of them are not published. You know, some of them as -- as we were discussing before, they're -- they're issued orally.

MR. MOLITOR: But they're still a matter of public record because they're being recorded and anyone can access that record. Anyone can.

MR. BURDICK: It makes it more accessible if it were to be published.

MR. MOLITOR: Why does it need to be more accessible?

MR. BURDICK: Again, I think that it makes it more accessible to the public, generally and I think it's a beneficial thing if we were to have greater transparency, accountability and access to the actions that are taken by -- through the judicial system.

MR. MOLITOR: Okay. Thank you, Mr. Burdick. I'm going to go on the bill.

ACTING SPEAKER HUNTER: You have your second 15, Mr. Molitor, so you can take that now.

MR. MOLITOR: Thank you. So in -- in New York State, if -- first of all, and I've been -- I've been through this before, when -- when -- when a defendant is arraigned they get an attorney. If they can't afford one, one is provided for them; usually a great cost to the State of New York. Then we provide automatic discovery in New York State. So one of the things defendants receive in every criminal

case is information that can be the subject of a suppression motion. Then, the defendant now because we have automatic discovery, the defendant always files a suppression motion. Why? Because it's malpractice if they don't.

So you have suppression motions in every case whether it's the suppressed statements or physical evidence that's obtained, or an identification procedure. And then the court rules on it and the court makes a public record. It's either an oral decision, or a written decision, or it's recorded. If it's in a town and village court there's usually a recording of it. And then, if the defendant -- if -- if the judge rules against the defendant, there can be an appeal and that appeal's not only exhausted in New York State Appellate Courts, but it's oftentimes exhausted through federal courts. So you can appeal to your -- your -- your appellate division, you can appeal to the Court of Appeals. If you lose in those two places, you can file it in Federal District Court in the Second Circuit and then to the Supreme Court. And we have a ton of data on suppression rulings from our Appellate Divisions.

Why do we need this bill? Why do we need this law? OCA can do this on their own if they want. We just passed the budget bill. OCA has a budget of over \$8 billion. Will this increase costs to the judiciary? Yes, it will. You have over 3,000 courts in New York State and every single one of those courts is gonna have to according to this bill, according to the plain language of this bill, is going to have to provide data to OCA and then someone's gonna have to analyze all

that data to decide these esoteric questions about whether we need it. And then we're gonna get recommendations from OCA about how they can improve the criminal justice system. Why? What are we trying to do here? Are we trying to create uniform decisions? I mean, that seems to be a violation of the independent judiciary in New York State. Let courts do what they're supposed to do.

I'm glad that this isn't the original bill, but this is still a bad bill. I've -- I'd encourage everyone to vote against it and I'll be voting against it.

Thank you.

ACTING SPEAKER HUNTER: Thank you.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. Will the sponsor yield?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. BURDICK: Yes, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MS. WALSH: Thank you. So I also am glad that we are working off of the A-print rather than the original bill. It did -- it was scoped differently. But I wanted to pick up on something that my colleague started to explore with you during his time and that is what OCA is going to be doing pursuant to this legislation in terms of this study. And I -- you had mentioned I -- I believe the -- the term you used was kind of "spitballing" I think you said as far as maybe --

maybe overstating -- my colleague was maybe overstating what the bill was actually requiring. But if you look at your own memoran -- your own justification, it says -- and I'm just gonna quote a few pieces of it if I could and then there'll be a question. It says, "The Legislature expects the report to identify the real volume of suppression rulings and provide a clear estimate of the resources needed to publish them. The report should also address both written and oral suppression rulings." It goes on to explain how some are issued in writing, others are delivered orally for the bench. "A useful report should account for both, both written and oral. The Legislature expects the report to identify how many suppression rulings are written, how many are oral and what practical options exist for publishing oral rulings, such as publishing transcripts or mandating that all of these decisions be made in writing." It goes on to say, "The Legislature also expects the report to address both administrative and legislative paths to publication, including where statutory changes would be beneficial for setting standards and where administrative action is needed to allow for flexibility regarding changing technologies."

It goes on, but that's the gist of it. So do you still think after, I mean, I don't mean to sound like a lawyer, but I mean, now that I've kind of refreshed your memory about what your own memo really talks about as far as what a good study is gonna look like, do you still think that he was kind of overstating what the legislation is requiring as far as the study?

MR. BURDICK: I do.

MS. WALSH: You do?

MR. BURDICK: You know, what you were reading is precatory, you know, it's not the actual text of the bill.

MS. WALSH: Right.

MR. BURDICK: It's really up to how OCA carries it out and you know, again, it's an evaluation in a report. It's not mandating what you just described. It's an expectation, but it isn't a requirement.

MS. WALSH: It's not in the actual bill language, but it's part and parcel. Certainly it's part of the bill jacket, it's part of the legislative intent of what that report is gonna look like and that's something that's relied upon. We all know that, that's part of our -- our legislative record. So it might not be in the bill itself, but you have identified as the sponsor of the legislation what you think that good report is supposed to look like and the components of it and that includes identifying and quantifying the written suppression motions, the oral suppression motions and as identified by my colleague. A good number of those coming out of the upwards of 1,200 justice courts throughout the State many of which utilize a recorded transcript rather than a stenographic transcript.

So I think that this is a much bigger undertaking in terms of a study than perhaps has been acknowledged during the earlier portions of the debate. But you -- you -- you certainly -- we can certainly have a difference of opinion, but I think that that's -- that's what it says. I mean, that was your justification for the -- for the

bill. And I want to give you an opportunity to respond, please.

MR. BURDICK: Sure.

MS. WALSH: Of course.

MR. BURDICK: I mean, you know, I -- I should mention that a good deal of data is already being collected under the Judiciary Law right now. You know, current law does require the collection of data on felonies, misdemeanors, violations, infractions.

Now, there is no requirement for suppression rulings for trial level criminal courts be captured directly. However, there are substantial data requirements, reporting requirements, relating to what I just cited; offense information, aggregate number of misdemeanors and offenses charged, race, ethnicity, age and gender, summons, DAT arrests or -- or held for arraignment and on and on. There's already a good deal of this data that would be needed for the evaluation and report that's already part of the requirements of OCA.

MS. WALSH: Well, I agree with you that we absolutely bury our judges at all levels with paperwork. We -- and their clerks. We bury them with it, we make them collect so much data already and now this legislation will require collection by OCA of -- of a lot of additional data. And that, as my colleague pointed out, that will flow downstream, shall we say, to the judiciary at all levels to -- to have to provide this data for OCA to compile it. That's just -- that's what's going to go into the study I would say to you.

But let -- I mean, let's move on. I -- I -- I'm really interested, though. You -- you mentioned that you worked with

Reinvent Albany and you also have worked with OCA in the development of this bill. What -- what was the origination of the bill? Did this -- and I -- and I -- I mean maybe this came just whole cloth, you know, from -- from your head, but I mean --

MR. BURDICK: No.

MS. WALSH: -- did somebody approach you with this or did OCA approach you with this?

MR. BURDICK: To -- to be honest with you, this is a bill that Senator Gianaris had worked on with Reinvent Albany --

MS. WALSH: I see.

MR. BURDICK: -- and I was asked if I would carry it and --

MS. WALSH: I see.

MR. BURDICK: -- I said I would, but I also said that I felt that, to be candid with you, that it was impractical, extremely expensive, too much of a burden on OCA and I -- I -- the words I used is, we need to take a meat axe to it.

(Laughter)

MS. WALSH: And God bless you for doing it. So we're dealing with a -- a much more narrowly scoped bill than the original it sounds like, you know. So I mean --

MR. BURDICK: Absolutely --

(Crosstalk)

MS. WALSH: -- I appreciate that, for sure.

MR. BURDICK: -- you know and again, I -- I just

need to return you folks to the fact that this is not a mandate for publication of the opinions --

MS. WALSH: I know.

MR. BURDICK: -- it is not a mandate --

MS. WALSH: I know.

MR. BURDICK: -- for particular data collection.

There already are mandates on that. It's a mandate for an evaluation and a report.

MS. WALSH: Yeah. Well, how -- how are they -- I -- I -- and I -- I guess it's like maybe it's -- it feels like a circular argument, but how are they going to create a report without quantifying the -- the number and type of suppression hearings that are already going on? I mean, they have to collect -- OCA's got to collect a certain amount a data. Maybe they're not gonna be publishing the suppression reports and the expanded publication and I get that and I'm grateful that that's been taken out of this version of the bill. But to pro -- provide a report, they still have to -- they -- in order to create conclusions, they have to collect a certain amount of data of what are they talking about in terms of oral, written, quantity of suppression hearings Statewide, right?

MR. BURDICK: Well, I think that you're jumping to the conclusion of what this bill is supposed to do which is to determine the feasibility of that, not the actual carrying out of what you and your colleague feels are necessary in order to carry out the intent of the bill.

MS. WALSH: Well -- but you thought it was necessary because you put it right in your justification for the bill.

MR. BURDICK: I said that -- that that would be an expectation. It would be -- I -- I look at that, as I said, it's precatory in its guidance.

MS. WALSH: Yeah. But you say -- you said a good report -- "the Legislature expects that a good report will include..." and then you listed a whole bunch of things. So it does say that, but anyway.

MR. BURDICK: It says that, but it's not in the actual requirement of the bill now, is it?

MS. WALSH: Okay.

You said that one of the goals of the report is to promote accountability. Promote accountability of whom exactly?

MR. BURDICK: Well, you know, the -- the -- this -- the judicial system that we have in this State are the election of judges and the people elect the judges and those who examine them for fitness and such, whether it's to recommend the (indiscernible), you know, recommending whether or not they should be voted in to begin with, endorsed and so forth. I -- I think that that kind of data and information would be helpful. It shouldn't obviously be the only --

MS. WALSH: In elections? Or reelections of judges? Is that what you're getting at?

MR. BURDICK: It's accountability. We have a democratic system.

MS. WALSH: Oh, I see. Okay. Yup.

So it's estimated that 85-95% of routine suppression motions are made orally from the bench. Did you know that? That -- that only 5-15% of motions are actually decided in writing upon submission. So that's going to be interesting to try to, you know, bring -- bring all of that together, I think. I -- I found that interesting. So the pool of written decisions already is really limited, but it looked like the report also would evaluate whether -- whether publishing either stenographic transcripts of suppression, written decisions from the bench, or perhaps recorded transcripts, you know, record -- recordings of these decisions would be -- would be feasible. So I -- yeah.

I also was interested that in the -- in the Memorandum of Support it talked about the possibility of concluding that all suppression motions must be decided in writing. Boy, I hope that that's not a decision that's ultimately reached by this report because man, if we think our courts are clogged up now, wait a -- wait until you have to make all the courts throughout the State on suppression motions to have to do them in writing. That's gonna be insane if that's gonna be OCA's result. But as -- well, I won't even quote what my -- my former colleague in this Chair used to call OCA. I -- I don't think that that's probably a good thing to say out loud, but it wasn't flattering, let's just put it that way.

(Laughter)

Let's put it that way.

Mr. Burdick, I -- I very much appreciate your -- your answers to my questions and in -- and in my brief time I think I'll just go on the bill.

MR. BURDICK: You're very welcome --

(Crosstalk)

ACTING SPEAKER HUNTER: On the bill.

MS. WALSH: Thank you. So I -- I wholeheartedly agree with my colleague, Mr. Molitor and the points that he raised. I think that while this bill is a little bit more restrained, maybe even a lot more restrained than -- than the insanity that was originally proposed, I -- I think that this bill still has some real problems.

I think it feels to me from reading it and this is just my feeling, my gut feeling from reading the Memorandum of Support and reading the bill language that even though it's only, only a study that's being asked for here, and we know how the -- much the Governor really doesn't like studies so we don't know if this is even going to make it across the finish line. But if it does, this study already feels like it's got a result in mind and that's concerning to me. There -- I think that just as we have had bills wanting all of our town judges to be lawyers, I think that there's maybe an un -- uncomfotability with the fact that such a great number of these suppression motions are decided orally from the bench rather than in writing, I'm worried that that might be a result. And certainly the language that talks about the desire for greater uniformity in decision-making. That -- that doesn't feel right either. That does

smack as though we're starting to want or have OCA start to encroach somewhat on judicial independence in the decision-making that it issues.

So I -- I've got some real red flags that have popped up in examining this bill a little bit more closely and while I appreciate the sponsor certainly answering these questions, it sounds as though the bill was primarily, at least initially developed through a stakeholder advocacy group and the Senator and that he graciously offered to carry it in the Assembly and now he's getting peppered with all of these questions.

But as it is in -- in its current form, I won't be able to support the bill.

And thank you very much, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

Mr. Tannousis.

MR. TANNOUSIS: Thank you, Madam Speaker.

Will the sponsor yield for some questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. BURDICK: Yes, sir, of course.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. TANNOUSIS: Thank you -- thank you.

Mr. Burdick, this is a bill I think you have stated that OCA -- it's an OCA bill, correct? Recommended by the Office of Court Administration?

MR. BURDICK: No, I did not say that.

MR. TANNOUSIS: Okay. Who is this bill recommended by?

MR. BURDICK: Well, as -- as I explained to your colleague and I think that she's pretty accurate in the description of it, I think that this was developed between Reinvent Albany and Senator Gianaris.

MR. TANNOUSIS: Okay. And --

MR. BURDICK: However, it -- it would be a -- a misstatement to say that this is a bill that came out of OCA.

MR. TANNOUSIS: Have you had conversations with OCA about this bill?

MR. BURDICK: Extensive conversations.

MR. TANNOUSIS: Are they in support of this bill?

MR. BURDICK: They are.

MR. TANNOUSIS: Did you have discussions in regards to the specifics of this bill with them?

MR. BURDICK: Yes, indeed.

MR. TANNOUSIS: Okay. Now you were asked by both colleagues in regards to the intent of the bill. There were some things that you said were not accurate. So I'm just gonna ask you straight --

MR. BURDICK: Sure.

MR. TANNOUSIS: -- what is the intent of this bill?

MR. BURDICK: As I have stated from the outset,

the intent of this bill is promote greater transparency and accountability with respect to criminal court opinions.

MR. TANNOUSIS: And let's just move on -- let's just go forward more on that. Can you please -- what do you mean by transparency and accountability?

MR. BURDICK: Well, I think the -- the bill speaks for itself and I -- I would suggest, respectfully, that it would be inaccurate to take the justification of the bill as the statutory changes themselves. The bill itself is requiring an evaluation and a report of the feasibility of taking certain steps that would enable greater transparency in the opinions and in data collection and so forth.

MR. TANNOUSIS: Are you suggesting that this report is basically going to be a check on the Supreme Court Judges that write these reports? Is that what you mean by transparency?

MR. BURDICK: I don't see that any place in this bill.

MR. TANNOUSIS: Well, I'm asking you. You wrote transparency. Please tell us and the public what you mean by transparency.

MR. BURDICK: The plain meaning of the word. And -- and that is --

MR. TANNOUSIS: Which is?

MR. BURDICK: The plain meaning of the word is that the actions on the part of the judicial system would be better known and would be more accessible to the public.

MR. TANNOUSIS: Oh, so it is so it could be -- so -- so basically, it's about accessibility to the general public, correct?

MR. BURDICK: I stated that a couple of times. That's correct.

MR. TANNOUSIS: Okay. And you obviously are aware, you're an attorney, correct, sir?

MR. BURDICK: I am, indeed.

MR. TANNOUSIS: And you understand that decisions published by the court are published on Westlaw, on LexisNexis, on the internet, correct? Yes?

MR. BURDICK: That's one of the sources of decisions, correct.

MR. TANNOUSIS: You also understand that OCA itself has access to these decisions, correct? Because they're written by judges that are part of the Office of Court Administration, correct?

MR. BURDICK: That is correct, yes.

MR. TANNOUSIS: But yet, you are introducing this bill today which is mandating a report to be delivered to the Legislature and to the Governor, correct?

MR. BURDICK: Well, it's to be issued to the Legislature and the Governor so the public would become aware of it, yes.

MR. TANNOUSIS: Are you aware that a few months back the Chief Justice of this State was at a symposium where he criticized certain judges for sentencing -- for sentences that they

had imposed on defendants and other decisions that they had made?

Are you aware of that?

MR. BURDICK: I'm not.

MR. TANNOUSIS: Okay.

MR. BURDICK: But I don't think that that's quite germane to this bill.

MR. TANNOUSIS: Oh, no, I will make it germane once I talk about the bill.

Mr. Burdick, are you aware, obviously, that judges are independently elected by the voters in this State?

MR. BURDICK: Correct.

MR. TANNOUSIS: And are you aware that judges work for the people and not for the Office of Court Administration?

MR. BURDICK: Well, I think that they're ultimately accountable to the -- to the public and to the -- to the voters who put them into office, correct. But they also have certain requirements under law in terms of reporting to the OCA and under the Judiciary Law, certain requirements.

MR. TANNOUSIS: You made a statement to my colleague just now, you stated that judges are independently elected, however, it's OCA's responsibility to make sure that they act in the correct manner. Is that what you said, Mr. Burdick?

MR. BURDICK: I don't know whether I used those words.

MR. TANNOUSIS: Well, then can you please

emphasize what exactly you meant by that?

MR. BURDICK: Well it's hard for me to answer a question that's based on something that I didn't say.

MR. TANNOUSIS: Okay.

MR. BURDICK: So what I do think is that judges do have accountability under the Judiciary Law for certain reporting to OCA and that would remain the case, and I think that in order for the intent of this law and the actual requirements under it as opposed to what might be a way of fulfilling it, which is what is in the sponsor's memorandum, is simply for OCA to produce a report as outlined by the bill text itself.

MR. TANNOUSIS: Okay, but --

MR. BURDICK: Nothing more, nothing less.

MR. TANNOUSIS: Just to -- just to -- just to clarify for the general public and for all our colleagues, you actually just admitted to me a few minutes ago that all this information is already accessible to both the general public and to OCA itself, right?

MR. BURDICK: That's not quite what I said. What I had said was that certain data already is required under Judiciary Law to be provided.

MR. TANNOUSIS: Correct -- well, no. But --

MR. BURDICK: But not the report itself. That would be --

MR. TANNOUSIS: So all this -- I'm just trying to clarify, Mr. Burdick.

MR. BURDICK: Sure.

MR. TANNOUSIS: So all this law does is require OCA to give a report, to provide a report to the Governor and to the Legislature, right? That's all this bill does --

MR. BURDICK: Correct.

MR. TANNOUSIS: -- correct?

MR. BURDICK: That is correct.

MR. TANNOUSIS: Based on information that OCA would already have access to presumably, correct?

MR. BURDICK: It's a report that would be issued to the Governor and the Legislature of an evaluation regarding the feasibility of taking certain steps with respect to opinion -- excuse me -- suppression opinions within the court system.

MR. TANNOUSIS: Now where did you come up with suppression, specifically? Suppression --

MR. BURDICK: Well, I -- I addressed that earlier, but I'm happy to repeat it and that is that the original bill was going to deal with all criminal court opinions. And the estimate on that was something like 200,000 each year, and in one of the things which I had suggested to Senator Gianaris was that this was just too great of burden on the court system. It would be incredibly expensive. The resources didn't exist. There aren't enough court stenographers to carry it out. It's -- it's -- there is a shortage of court stenographers, and that as I had mentioned to your colleague that they needed to take a meat axe to this and figure out a way to substantially reduce the scope.

And so, that resulted in narrowing it through an area of the law which of -- of the rulings as I was mentioning before which was far, far narrower and far fewer in number.

MR. TANNOUSIS: Okay. Thank you very much.

Madam Speaker, on the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. TANNOUSIS: A few months back the Chief Justice of this State was at a symposium where he actually referenced a -- a case where he believed -- well, he actually explained that he did not agree with the sentencing provided for by the judge. Didn't actually say that he believed the judge did anything legally wrong, only stated that he did not agree with the sentencing imposed by that judge. He also made a statement that if -- that people should work against judges that OCA does not agree with. It is quite evident that OCA, or at least the leadership of OCA, has some type of agenda when it comes to the judicial process.

Judges are independently elected. We sit here today and I sat with this bill and I'm trying to figure out, why would this bill come forth when OCA already has this information? Why would they want this? I'll tell you why they want this; they are trying to intimidate independently elected judges. That's why they want it. That's what they've been doing and that's what the leadership continues to do. That's what this is about. You want something that's public, it's already public. You want something that's already accessible, it is accessible. You want something to train new lawyers,

it's called Westlaw and LexisNexis. We don't need this. The only presumable reason is to try to intimidate independently elected judges if they do not conform to the way that OCA leadership believes they should conform.

ACTING SPEAKER HUNTER: Thank you.

Mr. Morinello.

MR. MORINELLO: Thank you. Will the sponsor yield for a couple of questions?

ACTING SPEAKER HUNTER: Will the sponsor yield?

MR. BURDICK: Yes, certainly.

ACTING SPEAKER HUNTER: The sponsor yields.

MR. MORINELLO: I don't know whether it's the hour or my age. I've listened to all my colleagues, I've listened to your answers and I'm dumbfounded. What is the need to address and publish suppression hearings, which are based on principles of law, based upon what a judge applies the facts to the law for? What is the purpose?

MR. BURDICK: I -- I think the purpose, as I had mentioned earlier, is to have the information, the intent of the writers of these opinions. And I -- I think that the more that we can be able to review them and evaluate them, it's beneficial to the public to know. As a democracy, accountability and transparency in everything we do, whether it's this Body, whether it's Congress, is at the heart of -- of our democratic values and precepts.

(Indiscernible/crosstalk.)

MR. MORINELLO: Why would you -- I'm sorry. I thought you were finished.

MR. BURDICK: I -- I -- just to conclude. And suppression rulings, as I mentioned, are so fundamentally important because they're at the heart of whether a person may be incarcerated or not. It may be at the heart of whether the evidence that was obtained was done so within constitutional limits. And that's what this is trying to get at.

MR. MORINELLO: Well, isn't there an appeal process that other judges, higher courts will use precedent to determine rather than the general public making a decision?

MR. BURDICK: You know, the -- the process to appeal a decision certainly is known to me and to you and to others who practice law, and -- and probably the general public, but not quite germane to this bill. And this bill is only to obtain a report and an evaluation of feasibility and desirability and whether or not it would be beneficial.

MR. MORINELLO: Feasibility for what? You used the term "the intent of the judge." So now are you looking at using this to multi -- micromanage a judge's opinion so the general public can use it when they go to the polls for reelection?

MR. BURDICK: Not at all.

MR. MORINELLO: Well, but that's what you said. Why would you say, then, the intent of the judge in their opinion?

MR. BURDICK: You know, one of the factors that the public is going to take into consideration on whether or not to vote for the re -- reelection of a judge is how they've been on the bench. What -- what have they been doing? How -- what kind of opinions have they issued? And is there a feeling that the way that those issues -- those opinions were issued were -- were in conformity with existing statute and -- and the Constitution.

MR. MORINELLO: So let's go back to my previous comment. If the defense attorney, whether he's hired or whether he's given to the individual because they can't afford it, if they're unhappy with an opinion they can appeal it, correct?

MR. BURDICK: That's correct.

MR. MORINELLO: Okay. And a higher court will reveal whether or not that was -- the facts were -- comport to the law, correct?

MR. BURDICK: That's the purpose of the higher court reviewing it.

MR. MORINELLO: Okay. So what difference does it make for the public to know what that judge decided? Okay? With -- with -- when -- when you use the term "his intention", that's nefarious. And what that indicates is that you're looking to see whether a judge is liberal, conservative, and whether he's going to make decisions based upon, like our Chief Judge who was put in because his predecessor that was picked by the Governor was not liberal. And that's what this seems to be going towards. You used the

term in your reasoning "Clean Slate." Why would that -- why would Clean Slate be involved in your justification when we're dealing with -- when we're dealing with suppression hearings that have facts and law? And an attorney who's representing a defendant has the right to determine if he feels the judge made a correct assessment of the fact and applying it to the law, his -- he can appeal. So you used Clean Slate. Why Clean Slate?

MR. BURDICK: With all respect, the term "clean slate" is not in the text of the bill.

MR. MORINELLO: I'm not -- it's your justification! We're talking about what brings this forth. A bill could have three words. But the whole purpose is exactly what you are trying to do with a judge: Analyze and anticipate why a judge makes a decision. Where his head is at. Whether he's liberal, whether he's conservative, on an opinion dealing with a suppression that has no bearing on it. So using the word "clean slate" coupled with your word of "intention" tells me there's a nefarious background.

Next. What is Reinvent Albany? I have no idea what Reinvent Albany is. Can you educate me?

MR. BURDICK: Well, Reinvent Albany is a non-profit advocacy group that is trying to promote greater transparency in government. And frankly, you know, they're -- they will criticize any elected official regardless of party and regardless of political viewpoint if they feel that that individual or group of individuals is -- is not acting in a -- in a transparent and open way.

MR. MORINELLO: So a decision on a suppression which applies facts to the law, which is usually put forth by a defense attorney who has experience, he's been licensed by the Bar, okay? So it just seems that the whole purpose of this is to second-guess a judge's actions on the bench. Now, you admitted there's an appeal process. So the appeal process would only be if the judge either didn't apply the proper law to the facts of that particular case, okay, or if, in fact, something was missed. But the intention of the judge, which is the words you used, still opens the door -- that, coupled with the word "clean slate", coupled with Reinvent Albany, makes me really suspect as to what is behind this. Because it didn't come from OCA. OCA knows what they're doing. This was brought to OCA and tried to get their stamp of approval, their imprimatur on it, and that's what's frightening me about this bill.

Thank you.

On the bill.

ACTING SPEAKER HUNTER: On the bill.

MR. MORINELLO: In my questioning, I'm really, really suspect as to what is behind this bill. The language that was used, "clean slate", "intention of the judge", it tells me that immediately they're looking at what is this judge thinking? What are we gonna do with this judge?

Now, this -- suppression hearings are not the only thing that a -- a -- a voter would think about; what the judge has done, what his actions are, what his demeanor is. There's defense attorneys,

there's prosecutors. And it's just so suspicious. Now, if this was on how a judge acts normally, what he says from the bench, what his violation of ethics are, I have no problem with it. But to nitpick on a decision that has the ability to go up to a higher court, again, makes me suspect. This bill is absolutely unnecessary. This bill would be a burden. Nobody would be able to understand. And the general public, they can go -- the opinions of the higher courts are there. They can go look at what happens.

And so with that being said, I'm gonna urge my colleagues to vote no on this bill. It's a waste of time, a waste of money. It's a witch hunt, and it's for nefarious purposes. Thank you.

ACTING SPEAKER HUNTER: Read the last section.

THE CLERK: This act shall take effect on the 180th day.

ACTING SPEAKER HUNTER: A Party vote has been requested.

Ms. Walsh.

MS. WALSH: Thank you, Madam Speaker. The Republican Conference will not be supporting this legislation. But if there are any exceptions, members can vote yes at their seats now if they wish.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Thank you, Madam

Speaker. The Majority Conference is gonna be in favor of this piece of legislation. There may be a few that would desire to be an exception, they should feel free to do so at their seats.

ACTING SPEAKER HUNTER: Thank you.

The Clerk will record the vote.

(The Clerk recorded the vote.)

Mr. Burdick to explain his vote.

MR. BURDICK: Thank you, Madam Speaker, to explain my vote. This bill is really a very simple bill. It doesn't go beyond what some of my good colleagues on the other side of the aisle described it as. It simply is requiring an evaluation of the feasibility of providing more information to the public, pure and simple. That's the only requirement. And I think that there's value in doing that. This was developed in consultation with OCA after it became patently clear the original bill would be far, far too much of a burden on the court system, and as Judge Zayas had said to me, would divert judges to the job of writing opinions rather than adjudicating cases.

So I want to thank OCA for working with me on this, and Senator Gianaris, as well as Reinvent Albany. And I vote in favor. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Mr. Burdick in the affirmative.

Ms. Glick to explain her vote.

MS. GLICK: Thank you, Madam Speaker, to briefly explain my vote. I just wanna thank the member for the debate in

which he remained calm in discussing what his intentions were, despite what I felt was an attempt to cross-examine the sponsor as opposed to having a debate.

So I withdraw my request and vote in the affirmative in favor of Mr. Burdick's bill and his very calm demeanor.

ACTING SPEAKER HUNTER: Ms. Glick in the affirmative.

Mrs. Peoples-Stokes to explain her vote.

MRS. PEOPLES-STOKES: Thank you, Madam Speaker, for the opportunity to explain my vote. I think the sponsor of this legislation made it very clear that there were ongoing conversations with the Office of Court Administration. Now, we talk on a regular basis about agencies and organizations that could do things on their own, but sometimes they won't, so give them a little push. This is that little push. And honestly, no judge should go without public scrutiny. We're elected just like they are. We don't go without public scrutiny. And so if there's an opportunity for someone to be held accountable for their record, that should happen. It's only fair.

So I support this legislation and I encourage my colleagues to do likewise.

ACTING SPEAKER HUNTER: Thank you.

Mrs. Peoples-Stokes in the affirmative.

Are there any other votes? Announce the results.

(The Clerk announced the results.)

The bill is passed.

On the main Calendar, resolutions, page 3, the Clerk will read.

THE CLERK: Assembly Resolution No. 1550, Rules at the request of Mr. Lavine.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim June 2026 as Post-Traumatic Stress Injury Awareness Month, and June 27, 2026 as Post-Traumatic Stress Injury Awareness Day in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1551, Rules at the request of Ms. Solages.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim July 25, 2026, as International Day for Afro-Latin American, Afro-American and Diaspora Women in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1552, Rules at the request of Ms. Griffin.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 6012, 2026 as Suicide

Prevention Week in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1553, Rules at the request of Mr. Stern.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 22, 2026, as Veterans Suicide Awareness and Remembrance Day in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1554, Rules at the request of Mr. K. Brown.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim September 2026, as Recovery Month in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1555, Rules at the request of Ms. McMahon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 3, 2026, as Ostomy Awareness Day in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1556, Rules at the request of Mr. Lemondes.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 6, 2026, as Coaches Day in the State of New York.

ACTING SPEAKER HUNTER: Mr. Lemondes on the resolution.

Quiet, please.

MR. LEMONDES: Thank you, Madam Speaker. I rise to recognize and pay tribute to the incredible role coaches play in youth development for the furtherance of our society. Not only do they do the things you commonly think of, like teaching the mechanics of their individual sport, sportsmanship itself, strategy, the importance of good grades, being a good person and role model for younger kids, et cetera, but they're also instrumental in keeping kids occupied positively and, therefore, out of trouble. It's perhaps this role that is paramount to all others. From personal experience, I can attest that -- that I am fortunate to have had the benefit of incredibly dedicated teacher-coaches that drove home excellence in everything they did, required adherence to rules, taught constantly in all aspects of the word, thus transcending the role as athletic coach and really helping youth become better all-around citizens.

The wins, the losses, the grueling practices, fighting through injuries and setbacks all contribute to the growth of solid character traits that, again, help make good citizens that know how to function as part of a team, which is the foundational building block of nearly everything else one does for the rest of their lives.

Last, in special tribute to the coaches I personally had, two of whom were Vietnam War combat veterans, gentlemen, thank you for giving me the discipline necessary to survive the deployments, as I could never have imagined their difficulty. The intensity, attention to detail, necessity of hard and constant training, importance of looking beyond your own needs and recognition of your role on the team were all things I got from your example. Thank you.

I present this resolution in honor of coaches Buzz White and Jack Williams, football and wrestling coaches, Liverpool High School. Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1557, Rules at the request of Mr. Bronson.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 11, 2026, as Coming Out Day in the State of New York, in conjunction with the observance of National Coming Out Day.

ACTING SPEAKER HUNTER: On the resolution,

all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1558, Rules at the request of Mr. Durso.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 19-23, 2026, as School Bus Safety Week in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1559, Rules at the request of Ms. Rosenthal.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 25-31, 2026, as Epidermolysis Bullosa Awareness Week in the State of New York, more commonly known as Butterfly Children Awareness Week.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1560, Rules at the request of Ms. Bichotte Hermelyn.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2026, as Clergy Appreciation Month in the State of New York.

ACTING SPEAKER HUNTER: On the resolution,

all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1561, Rules at the request of Ms. Buttenschon.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2026, as Disability Employment Awareness Month in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1562, Rules at the request of Mr. Simone.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2026, as Perthes Disease Awareness Month in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

THE CLERK: Assembly Resolution No. 1563, Rules at the request of Ms. Hunter.

Legislative Resolution memorializing Governor Kathy Hochul to proclaim October 2026, as Careers in Construction Month in the State of New York.

ACTING SPEAKER HUNTER: On the resolution, all those in favor signify by saying aye; opposed, no. The resolution is

adopted.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, would you please -- do you have any further housekeeping and/or resolutions?

(Pause)

ACTING SPEAKER HUNTER: Yes, Madam Majority Leader, we have no housekeeping but we have a few privileged resolutions.

A resolution by Mr. O'Pharrow, the Clerk will read.

THE CLERK: Assembly Resolution No. 1564, Mr. O'Pharrow.

Legislative Resolution honoring James "Jimmy O" O'Pharrow posthumously upon the occasion of the co-renaming of Hornell Loop in Brooklyn, New York, in recognition of his contributions to his community and the sport of boxing.

ACTING SPEAKER HUNTER: Mr. O'Pharrow on the resolution.

MR. O'PHARROW: Good evening, Madam Speaker, good evening, colleagues. I rise before you today with such deep gratitude and pride. It's truly an honor to speak in this Chamber on this historic moment. I want to begin by acknowledging the Honorable Nikki Lucas, the Honorable Hyndman, Honorable Zinerman, Honorable Hooks, Honorable Burrough -- Noah Burroughs, New York City Councilman Chris Banks; Francine, Kyle, Andy and

the leadership of Spring Creek Towers and all their dedicated teams. Your support and partnership made the Jimmy O Street co-naming possible and my family is forever grateful.

My grandfather and my grandmother, Ailean "'Pee-ko" O'Pharrow, as he affectionately called her, took me in at the tender age of ten. It was my grandfather's idea to raise me as his own, and his decision changed the trajectory of my life forever. The love, the discipline, the -- the wisdom he poured into me shaped me into the man I am today. To many he was Jimmy O, to others he was just Coach, to some he was a mentor. But to me he was simply Grandpa. He was a gentle giant of sorts; a man who believed that real strength was not just physical, but rooted in character, discipline and love for one's community.

Through Starrett City Boxing, he didn't just train world champions, he built people. He created a safe space where young people could find direction, purpose and respect. He believed that before you build a champion in the ring, you must first build a champion in life. And on May 22nd, the street co-naming was more than just a street sign. It's a lasting reminder that legacy is not measured in years, but in the lives changed. So when someone asks, *Who was Jimmy O*, the answer will always be, *He gave people a chance. He built a community. He changed lives.* But to me, he was still my grandfather.

Grandpa, your legacy lives on in me, your great-grandkids, your great-great grandkids, and that street sign on Hornell

Loop in Brooklyn, and it will also live in all of us.

And to Madam Speaker, I thank you for the opportunity to address this illustrious Chamber, and to my colleagues as well. Forever rest in peace, Grandpa.

(Applause)

ACTING SPEAKER HUNTER: Thank you.

Ms. Hooks on the resolution.

MS. HOOKS: Madam Speaker, I rise today on behalf of Member Nikki Lucas, who is in support of this resolution honoring the life and legacy of James N. O'Pharrow, Sr., known to so many as "Jimmy O." This resolution is especially meaningful to Member Lucas because Jimmy O and his family lived in the same building that she lived in and the same development that she grew up in. Like many people in her community, she witnessed firsthand the impact that Mr. Jimmy O had on the lives of young people throughout Starrett City and beyond.

When Jimmy O founded the Starrett City Boxing Club in 1978, he created much more than a place to train. He created a safe haven for young people, a place where they could find mentorship, discipline, encouragement, and a sense of belonging. For decades, he dedicated himself to helping keep youth off the streets by providing them with opportunities and a vision to succeed. His impact extended far beyond boxing. He helped shape generations of young people, produced world champions and Olympians, and left a lasting mark on our community through his commitment to service

and love for others.

Today we honor a man whose legacy continues to live on through the boxing club he built, the family he cherished, and the countless lives he touched. Member Lucas would like to thank you, Madam Speaker, and her colleagues for introducing this resolution and she proudly supports it.

ACTING SPEAKER HUNTER: Thank you.

On this resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

A resolution by Ms. González-Rojas, the Clerk will read.

THE CLERK: Assembly Resolution No. 1565, Ms. González-Rojas.

Legislative Resolution commemorating the 34th anniversary of Queens Pride Parade on June 7, 2026.

ACTING SPEAKER HUNTER: Ms. González-Rojas on the resolution.

MS. GONZÁLEZ-ROJAS: Thank you, Madam Speaker. I rise today to proudly recognize and celebrate the 34th anniversary of Queens Pride, an institution that represents the resilience, the visibility and the enduring fight for dignity and justice for LGBTQ New Yorkers. Queens Pride is more than a parade. It is a powerful symbol of community born from tragedy and transformed into a movement for liberation and belonging.

In 1993, leaders including Honorable Danny Dromm

and Maritza Martinez established Queens Pride in the wake of the horrific murder of Julio Rivera, a gay Puerto Rican man who was brutally attacked in Jackson Heights because of who he was. Rather than to allow hate to define our community, neighbors organized, mobilized and built something extraordinary, a celebration rooted in remembrance, in resistance and in love.

Today, Queens Pride stands as the second-oldest and second-largest Pride Parade in New York City, bringing together thousands of people every year to affirm that LGBTQI folks belong, are valued, and deserve to live openly and safely. For many, especially young people, immigrants, and those still finding acceptance, Queens Pride sends a powerful message: You are seen, you are celebrated, and you are not alone.

As someone proud to represent one of the most diverse districts in our State, including the vibrant communities of Jackson Heights, Corona, East Elmhurst and Astoria, I know how deeply meaningful this celebration is to so many of our constituents. I ask my colleagues to join me in commemorating the 34th anniversary of Queens Pride and honoring all those who continue the work of building a more inclusive and just New York for everyone.

Thank you, Madam Speaker.

ACTING SPEAKER HUNTER: Thank you.

On this resolution, all those in favor signify by saying aye; opposed, no. The resolution is adopted.

We have a number of additional resolutions before

the House. Without objection, these resolutions will be taken up together.

On the resolutions, all those in favor signify by saying aye; opposed, no. The resolutions are adopted.

(Whereupon, Assembly Resolution Nos. 1566-1572 were unanimously adopted.)

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: Madam Speaker, would you please call on Ms. Clark for the purposes of an announcement?

ACTING SPEAKER HUNTER: Ms. Clark for the purpose of an announcement.

MS. CLARK: Thank you. I'm here to announce Majority Conference tomorrow at 9:30. Majority Conference tomorrow at 9:30.

ACTING SPEAKER HUNTER: Thank you. 9:30 a.m. tomorrow, Majority Conference.

Mrs. Peoples-Stokes.

MRS. PEOPLES-STOKES: I now move that the Assembly stand adjourned and that we reconvene at 9:30 a.m., Wednesday, June the 3rd, tomorrow being a Session day.

ACTING SPEAKER HUNTER: On Mrs. Peoples-Stokes', motion the House stands adjourned.

(Whereupon, at 9:50 p.m., the House stood adjourned until Wednesday, June 3rd at 9:30 a.m., that being a Session day.)